

# OPTIONAL MUNICIPAL CHARTER LAW

(Faulkner Act)

As Amended, January, 1982

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1982

STATE OF NEW JERSEY

AND MUNICIPAL GOVERNMENT STUDY COMMISSION



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- **The Organization and Dynamics of Social Services in New Jersey, June, 1979**
- **The Development of Libraries and Networks, June, 1980**
- **The Impact of Mandates on Counties, June 1981**
- **Other Publications:**
  - New Jersey Riparian Rights Handbook, 1979 (revised May, 1980)
  - Handbook of Legal References for the Optional County Law, 1981
  - Handbook for County Charter Study Commissioners, Nov. 1973

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**STATE OF NEW JERSEY**  
**COUNTY AND MUNICIPAL GOVERNMENT STUDY COMMISSION**

**OPTIONAL MUNICIPAL CHARTER LAW**  
**(Faulkner Act)**

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NEW JERSEY  
OPTIONAL MUNICIPAL CHARTER LAW  
**PREFACE**

Since its enactment in 1950, the Optional Municipal Charter Law (Faulkner Act) has been amended on many occasions. In 1974, these amendments were consolidated in the Act and issued in pamphlet form.

In January of 1979, the County and Municipal Government Study Commission concluded its study "Forms of Municipal Government in New Jersey" which recommended major revisions of the OMCL, essentially to provide for a "mix and match" of various provisions under the three basic plans provided in the Act: the Mayor-Council, Council-Manager, and Small Municipality Plans, respectively.

This major revision, which was later enacted as Chapter 465 P. L. 1981, warrants reprinting the Act, so as to incorporate all amendments since 1974, and to include two companion Acts—the Non-Partisan Election Law and the Uniform Ward Law which pertain to OMCL municipalities.

The Commission wishes to acknowledge the assistance and direction offered by the chief sponsor of the bills, Senator Steven P. Perskie; Dr. Ernest Reock and Raymond Bodnar of Rutgers University whose research provided the basis for the revision of the OMCL; and Glen Moore of the Office of Legislative Services who drafted the legislation. Raymond S. Gurak, Principal Associate of the Commission Staff prepared this pamphlet and the commentary to it.

For the Commission,  
Eugene J. Schneider  
Executive Director

## INTRODUCTION

On January 9, 1982, the Optional Municipal Charter Law, also known as the Faulkner Act, was generally revised by enactment of Senate Bill No. 3153 (2d OCR) as Chapter 465, Public Laws of 1981. The bill was based upon recommendations made by the County and Municipal Government Study Commission in its 17th report, **Forms of Municipal Government in New Jersey**. The report was a comparative evaluation of the governmental structures of the eight municipal forms\* in New Jersey. A major concern of the report was the Optional Municipal Charter Law since the optional charter law is the primary means to modernize the older governmental forms still in use. Overall, the Commission recommended that the Optional Municipal Charter Law be rewritten in order to broaden its appeal to both elected officials and citizens. As a result, the report stressed greater choice of alternatives under the existing mayor-council, council-manager and small municipality plans; established a fourth basic plan entitled the mayor-council administrator plan; and provided a method to amend existing optional municipal charters. All of these recommendations have been implemented by the general revision to the Faulkner Act.

Today, exactly 100 municipalities have adopted new charters based upon this Act and other municipalities have charter studies in progress. It is hoped that a new, more flexible Optional Municipal Charter Law will improve the ability of Faulkner municipalities to respond to the fiscal and managerial challenges facing municipal government in the hard-pressed 1980s. A brief summary of the major substantive changes in the law is included in this pamphlet.

### Summary of Amendments

The Faulkner Act charter study process, namely the evaluation of a particular municipal form and consideration of optional charter plans as alternatives to the present form, remains unchanged by the revision of the Act.

Therefore the following features: study of a traditional form of government by establishing a Charter Study Commission; further comparison of the provisions of the optional charter plans; recommendation of no change or a new charter in the study commission report; and, in the alternative, proposal of a new charter by initiative and referendum are all retained in Article 1. of the Act. **C. 40:69A-1 to 25.**

In the revised Act, the basic Mayor-Council, Council-Manager and Small Municipality plans have been made more general and the individual lettered optional plans are repealed.\*\* In making the basic plans more general, the features of each of the repealed lettered plans are now

\* The basic local government forms are city, town, borough, township, village, commission, municipal manager and optional municipal charter.

\*\* Repealed are: C. 40:69A-49 to 53, 55 to 59, 61 to 66, 68 to 72, 74 to 79, 99 to 102, 104 to 107, 109 to 113, 114.1 to 114.4, 114.6 to 114.10, 133 to 136 and 138, 139 to 143 and 144 to 149.

alternative provisions in the new basic plans. Therefore, all features remain available for consideration by the Charter Study Commission in designing a new charter. These same alternatives can also be used to design a proposed plan for purposes of an initiative ordinance by voters of a municipality. In addition, the choice of the number of wards has been broadened for Mayor-Council and Council-Manager plans. **C. 40:69A-12 to 15 and 18-19.**

The new basic Mayor-Council plan is the former optional plan A amended to allow a choice of: regular or general election of municipal officers; at large election of council or combination at large/ward election of council; and terms of council in proposing a Mayor-Council charter for adoption. **C. 40:69A-34.1 to 34.3.** The plan is also amended to allow the governing body to provide for business administrator supervision of all departments. **C. 40:69A-44.** It should be noted that, in proposing a new charter, a Charter Study Commission or the voters by initiative and referendum also have a choice of council size and a choice of the number of wards. **C. 40:69A-13.**

The new basic Council-Manager plan is the former optional plan A also amended to allow a choice of type of election, method of council election and terms of council in designing a Council-Manager charter. **C. 40:69A-83.1 to 83.3.** There are identical provisions in the basic Mayor-Council plan. The general Council-Manager plan also allows a choice of election of the mayor from council or direct election by voters. **C. 40:69A-86.** Finally, the new plan provides for removal of the municipal manager without the payment of the statutory balance of salary where removal is for good cause. **C. 40:69A-93.** It should again be noted, in proposing a new charter, that the Act provides a choice of council size and a choice of the number of wards. **C. 40:69A-13.**

The new basic Small Municipality plan is the former optional plan A amended to allow a choice of: regular or general election of municipal officers; terms of council; and election of mayor from council or direct election by voters. **C. 40:69A-117.1 to 117.3.** In proposing a new charter, the Charter Study Commission or the voters by initiative and referendum also have a choice of council size. **C. 40:69A-13.**

A fourth basic plan, the Mayor-Council-Administrator plan, is established under the revised Act. This plan is based upon the borough form of government. The borough has traditionally been the most common form of government in New Jersey but previously was available only to municipalities originally incorporated as boroughs. The revised Faulkner Act, by adding the Mayor-Council-Administrator plan, makes a variant of the borough form generally available as optional charter.

In broad outline, the new plan provides for: an elected mayor and 6 member council having staggered terms both elected at large in a general election; the mayor to preside at council meetings but voting only in the event of a tie; the replacement of mayor by council president where

the mayor fails to preside; all legislative power in the council and all executive power in the mayor; a mayoral veto of ordinances subject to a two-thirds vote to override by council; the annual appointment of all administrative officers, including a municipal administrator, by the mayor with advice and consent of council; removal of the municipal administrator by council; budgetary power in the council; and the powers of recall, initiative and referendum. **C. 40:69A-149.1 to 149.16.** It should be noted that the provisions of the Mayor-Council-Administrator plan are mandatory charter provisions and, therefore, not subject to the general power of charter amendment otherwise available under the revised Act. **C. 40:69A-25.1.**

A major feature of the revised Faulkner Act is the ability of a municipality to amend its Mayor-Council, Council-Manager or Small Municipality optional charter without having to hold a referendum on the entire charter. This unique amending provision governs any municipality having adopted a Faulkner charter under the revised Act (but not for Mayor-Council-Administrator charters). The provision to amend the charter is also granted to the 100 Faulkner municipalities existing prior to the revision of the Act. The new amending provision allows either the municipal governing body or the voters by initiative to propose that a referendum be held on the question of amending the municipal charter. **C. 40:69A-25.1(a).**

Permitted as amendments to a Faulkner charter are any of the choices previously available in designing a charter; under one of the three original basic\* plans. Five separate groupings of amendment are specified: type of election, method of council election, arrangement of terms of council, selection of mayor and size of council. A new ballot form and appropriate language for each group of amendments to be proposed in the ballot are provided as well. There are also specific ballot requirements for the use of certain amending language involving a change in the size of council in a municipality divided into wards. **C. 40:69A-25.1(b) and (c).**

In addition, general transition procedures are provided when charters are amended, namely: termination of current officers; election of new officers and fixing of wards when either the type of elections or method of council election is amended, setting terms of council members when the arrangements of council terms is amended; installation method/date of new mayor and reversion to council of prior mayor when the method to select the mayor is amended; and setting terms of council where council is elected at large when the size of council is amended. **C. 40:69A-25.2 to 25.5.**

Finally, the provisions for conducting regular municipal elections as well as for fixing and determining ward boundaries are repealed.\*\* However, Faulkner municipalities are now governed by similar provisions

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\* The three basic plans are Mayor-Council, Council-Manager and Small Municipality.

\*\* Repealed are: C. 40:69A-151, 153 to 161 and 197 to 204.



in general election and ward law.\* The Uniform Nonpartisan Election Law governs Faulkner charters providing for regular municipal elections only with respect to the time, manner and method of election. Matters concerning number of officers, terms of office and powers are determined by the four basic plans provided in the Act. **C. 40:45-6 to 16.** The election statute also provides: the choice of a run-off election; conditions to holding a run-off election; a procedure to determine candidates; and votes necessary for election. **C. 40:45-17 to 19.** In addition, the election law provides for adoption or abandonment of a run-off provision by referendum. The referendum question may be submitted by ordinance of the governing body or upon a petition of registered voters. There are conditions for a sufficient petition and required language for the referendum question. **C. 40:45-21.**

The Municipal Ward Law governs Mayor-Council and Council-Manager charters only to the extent of providing a uniform method to fix and determine ward boundaries. It does not change or invalidate existing wards or ward boundaries and does not require a Faulkner municipality to establish wards. **C. 40:44-10 and 18.** The ward law provides for the municipal clerk and the county board of elections to act as ward commissioners as well as conditions for reimbursement of the commissioners and any staff; **C. 40:44-11 and 12.** In addition, there are various required time periods within which the commissioners must begin determination of wards. The time period available depends upon whether there is an initial fixing of wards upon adoption of a charter; a later adjustment or division of the municipality into wards by ordinance; or a ward adjustment given a new federal census. **C. 40:44-13.** Finally, the ward law provides a uniform method to determine ward boundaries and populations; thirty days to complete and file a ward report; and a procedure to determine when new or adjusted wards take effect in the municipality. **C. 40:44-15 to 17.**

The provisions of the Optional Municipal Charter Law, as revised, are provided in this pamphlet. In the appendix that follows the revised Faulkner Act are the relevant provisions of the Uniform Nonpartisan Election Law and the Municipal Ward Law that govern Faulkner municipalities. In addition, a list of repealed sections of the Act and a list of all possible combinations of the revised plans are provided at the end of the appendix. As a guide for existing charter municipalities, the repealed sections of the prior Act are also included as a supplement to this pamphlet. These repealed sections may be of use if no amendments to existing charters are contemplated at the present time.

It should be noted that the summary provided herein does not include important material that may affect the consideration, adoption and application of the Faulkner Act to particular municipalities. Therefore, relevant commentary and explanation of the optional municipal charter process as well as case law on judicial construction of the Faulkner Act should be obtained from other sources.

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\* Uniform Nonpartisan Election Law, C. 40:45-5 to 21 and Municipal Ward Law, C. 40:44-9 to 18.



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- 40:69A-206. Charters, amendments and supplements superseded; existing ordinances and resolutions remain in force where not inconsistent.
- 40:69A-207. Existing offices abolished on effective date of optional plan; exceptions.
- 40:69A-208. Appointments between election and time of taking office under optional plan pending actions and proceedings.
- 40:69A-208.1. Continuance of charter adopted prior to Jan. 9, 1982 of municipality with Mayor-Council plan.
- 40:69A-208.2. Continuance of charter adopted prior to Jan. 9, 1982 of municipality with Council-Manager plan.
- 40:69A-208.3. Continuance of charter adopted prior to Jan. 9, 1982 of municipality with Small Municipality plan.

I. GENERAL PROVISIONS

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- 40:69A-209. Partial invalidity.
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- Uniform Nonpartisan Elections Law.
- Municipal Ward Law.
- Repealed Sections.
- Options Available Under the Faulkner Act.

CHAPTER 210, LAWS OF 1950  
AS AMENDED AND SUPPLEMENTED TO  
January 9, 1982

(FAULKNER ACT)

AN ACT concerning municipalities, providing a plan of optional charters and for the manner of adoption and effect thereof.

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

ARTICLE I

PROCEDURE FOR ADOPTION OF OPTIONAL CHARTER PLANS

A. *Charter Commission*

**C. 40:69A-1 Election on question whether charter commission shall be elected.**

1-1. (a) Whenever authorized by ordinance of the governing body or upon petition of the registered voters of any municipality, an election shall be held in the municipality upon the question: "Shall a charter commission be elected to study the charter of ..... and to consider a new charter or improvements in the present charter and to make recommendations thereon?" The petition calling for such election shall be in the form required by subsection (b) hereof and shall be signed by the following per centum of registered voters of the municipality:

25% in municipalities of 7,000 or less inhabitants;

20% in municipalities of more than 7,000 and less than 70,000 inhabitants;

10% in municipalities of 70,000 or more inhabitants.

In either event, the municipal clerk shall provide for the submission of the question and for the election of a charter commission at the next general or regular municipal election, occurring not less than 75 days after the passage of the ordinance or the filing of the petition with the clerk. At the election the question above stated shall be submitted as other public questions are submitted to the voters of a single municipality.

(b) A petition under this section shall conform to the requirements of form for petitions under sections 17-37 through 17-39 hereof (except that there shall be no reference therein to any ordinance) and shall be subject to examination, certification and amendment as therein provided.

**Amended P. L. 1954, c. 69.**

**C. 40:69A-2 Election of charter commission members at same time public question is submitted.**

1-2. A charter commission of five members shall be elected by the qualified voters at the same time as the public question is submitted. Duly nominated candidates for the office of charter commissioner shall be placed

upon the ballot containing the public question in the same manner as is provided by law for candidates nominated by petition for other offices elective by the people of a single municipality, except that they shall be listed without any designation or slogan. Each voter shall be instructed to vote on the question and, regardless of the manner of his vote on the question, to vote for five members of a charter commission who shall serve if the question is determined in the affirmative.

**C. 40:69A-3 Candidates for charter commission; nomination.**

1-3. Candidates for the charter commission shall be registered voters of the municipality. They may be nominated by petition signed by at least 3% or 100, whichever is the lesser number, but at no time shall such number be less than 10, of the registered voters of the municipality, and filed with the municipal clerk not less than 60 days prior to the date of the election.

(a) Each nominating petition shall set forth the names, places of residence, and post-office addresses of the candidate or candidates thereby nominated, that the nomination is for the office of charter commissioner and that the petitioners are legally qualified to vote for such candidate or candidates. Every voter signing a nominating petition shall add to his signature, his place of residence, post-office address and street number, if any. No voter shall sign a petition or petitions for more than five candidates.

(b) Each nominating petition shall, before it may be filed with the municipal clerk, contain an acceptance of such nomination in writing, signed by the candidate or candidates therein nominated, upon or annexed to such petition, or if the same person or persons be named in more than one petition, upon or annexed to one of such petitions. Such acceptance shall certify that the candidate is a registered voter of the municipality, that the nominee consents to stand as a candidate at the election and that if elected he agrees to take office and serve.

(c) Each nominating petition shall be verified by an oath or affirmation of one or more of the signers thereof, taken and subscribed before a person qualified under the laws of New Jersey to administer an oath, to the effect that the petition was signed by each of the signers thereof in his proper, handwriting, that the signers are, to the best knowledge and belief of the affiant, registered voters of the municipality, and that the petition is prepared and filed in good faith for the sole purpose of endorsing the person or persons named therein for election as stated in the petition.

**Amended P. L. 1975, c. 372.**

**C. 40:69A-4 Canvass of election.**

1-4. The result of the votes cast for and against the adoption of the public question shall be returned by the election officers, and a canvass of such election had, as is provided by law in the case of other public questions put to the voters of a single municipality. The votes cast for members of the charter commission shall be counted, and the result thereof returned by the election officers, and a canvass of such election had as is provided by law in the case of the election of members of the local governing body. The



five candidates receiving the greatest number of votes shall be elected and shall constitute the charter commission, provided that if a majority of those voting on the public question shall vote against the election of a charter commission, none of the candidates shall be elected. If two or more candidates shall be equal and greatest in votes they shall draw lots to determine which one shall be elected.

**C. 40:69A-5 Organization of charter commission; quorum; majority required for effective recommendations.**

1-5. As soon as possible and in any event no later than fifteen days after its election, the charter commission shall organize and hold its first meeting and elect one of its members as chairman, fix its hours and place of meeting, and adopt such rules for the conduct of its business as it may deem necessary and advisable. A majority of the members of said commission shall constitute a quorum for the transaction of business but no recommendation of said commission shall have any legal effect pursuant to sections 1-15 and 1-16 of this act unless adopted by a majority of the whole number of the members of the commission.

**C. 40:69A-6 Vacancies in charter commission.**

1-6. In case of any vacancy in the charter commission, the remaining members of such commission shall fill it by appointing thereto some other properly qualified citizen.

**C. 40:69A-7 Duties of charter commission.**

1-7. It shall be the function and duty of the charter commission to study the form of government of the municipality, to compare it with other available forms under the laws of this State, to determine whether or not in its judgment the government of the municipality could be strengthened, made more clearly responsive or accountable to the people or whether its operation could become economical or efficient, under a changed form of government.

**C. 40:69A-8 No compensation; expenses of commission members; consultants and assistants.**

1-8. Members of the charter commission shall serve without compensation but shall be reimbursed by the municipality for their necessary expenses incurred in the performance of their duties.

Within the limits of such appropriations and privately contributed funds and services as shall be made available to it, the charter commission may appoint one or more consultants and clerical and other assistants to serve at the pleasure of the commission and may fix a reasonable compensation to be paid such consultants and clerical and other assistants.

**C. 40:69A-9 Hearings; public forums.**

1-9. The charter commission shall hold public hearings, may hold private hearings and sponsor public forums and generally shall provide for the widest possible public information and discussion respecting the purposes and progress of its work.

**C. 40:69A-10 Report of charter commission; copies.**

1-10. The charter commission shall report its findings and recommendations to the citizens of the municipality in accordance with section 1-7 within 9 calendar months from the date of its election. For this purpose it shall file with the municipal clerk an original signed copy of any final report containing said findings and recommendations made by any member of the commission. It shall also deliver to the municipal clerk sufficient copies of any such report to permit distribution to any interested citizen. The municipal clerk shall deliver a copy of any such report to each member of the governing body. If the charter commission, or any member or members thereof shall recommend the adoption of any of the optional plans of government as authorized in section 1-12 (a) or 1-13, such report shall contain the complete plan as recommended.

**Amended P. L. 1960, c. 88.**

**C. 40:69A-11 Discharge of charter commission; change of recommendation; amended report.**

1-11. (a) The charter commission shall be discharged upon the filing of its report; provided, that if the commission's recommendations require further procedure on the part of the governing body or the people of the municipality pursuant to section 1-15 or 1-16 of this act, the commission shall not be discharged until the procedure required under those sections has been finally concluded.

(b) Any charter commission which has not been discharged pursuant to subsection (a) above may, any time before the procedure required under sections 1-15 or 1-16 of this act has not been finally concluded, but not later than one year from the date of the publication of its final report pursuant to section 1-10 of this act, modify or change any recommendations set forth in said final report by publishing an amended report in accordance with the provision of section 1-10 hereof.

(c) Whenever a charter commission issues an amended report pursuant to subsection (b) above, such amended report shall supersede the final report and such final report shall cease to have any legal effect under this act.

(d) The procedure to be taken under the amended report shall be governed by all provisions of article 1 of this act applicable to the final report of a charter commission submitted pursuant to section 1-10 of this act.

**Amended P. L. 1953, c. 254.**

**C. 40:69A-12 Reports and recommendations which commission may make.**

1-12. The charter commission may report and recommend:

(a) That a referendum shall be held to submit to the qualified voters of the municipality the question of adopting one of the plans of government authorized in this act, and such of the alternative provisions as permitted thereunder, to be specified by the commission; or

(b) That the governing body shall petition the Legislature for the enactment of a special charter or for one or more specific amendments of or to the charter of the municipality, the text of which shall be appended to the charter commission's report pursuant to Article IV, Section VII, Paragraph 10, of the Constitution of 1947 and to the enabling legislation

enacted thereunder to the extent that such legislation is not inconsistent herewith; or

(c) That the form of government of the municipality shall remain unchanged; or

(d) Such other action as it may deem advisable consistent with its functions as set forth in section 1-7 of this article.

**Amended P. L. 1981, c. 465.**

**C. 40:69A-13 Number of council members and wards; recommendations.**

1-13. (a) If the charter commission shall recommend the adoption of the mayor-council plan of government or the council-manager plan of government, it may also specify that the municipal council shall consist of seven or nine members instead of five members as provided therein; or if the charter commission shall recommend the adoption of the small municipality plan of government, it may also specify that the council shall consist of five or seven members instead of three members as provided therein.

(b) If the charter commission shall recommend the adoption of the mayor-council plan of government or the council-manager plan of government it may further specify that the municipality shall be divided into two, three, four, five or six wards within the limitations hereinafter provided:

(1) Where the council is to consist of five members, the municipality may be divided into two or three wards;

(2) Where the charter commission specifies that the council shall consist of seven members, the municipality shall be divided into four wards; and

(3) Where the charter commission specifies that the council shall consist of nine members, the municipality shall be divided into five or six wards.

**Amended P. L. 1981, c. 465.**

**C. 40:69A-14 Form of submission of question of adoption of optional plans of government.**

1-14. The question to be submitted to the voters for the adoption of any of the optional plans of government authorized by this act, including any of the alternatives contained in this act, shall be submitted in the following form or such part thereof as shall be applicable:

"Shall ..... of the Optional  
(insert name of plan)  
Municipal Charter Law, providing for (a division of the municipality  
into ..... wards, with) ..... councilmen  
(insert number) (insert number)  
(one to be elected from each ward and ..... to be elected  
(insert number)  
at large) at elections held in ..... ,  
(insert May or November)  
(insert, if appropriate) with run-off elections to be held thereafter if a  
sufficient number of candidates fail to attain a majority of votes, be  
adopted by ..... ?"  
(insert name of municipality)

**Amended P. L. 1981, c. 465.**

**C. 40:69A-15 Ballots; submission of question of adoption of optional plan of government.**

1-15. If the charter commission shall recommend that the question of adopting one of the optional plans of government authorized by this act shall be submitted to the voters of the municipality, it shall be the duty of the municipal clerk to cause the question of adoption or rejection to be placed upon the ballot at such time as the commission shall in its report specify. The commission may cause the question to be submitted to the people at the next general or regular municipal election, occurring not less than 60 days following the filing of a copy of the commission's report with the clerk, or at a special election occurring not less than 60 days or more than 120 days after the filing of the report, at such time as the commission's report shall direct. At such election the question of adopting that plan of government recommended by the charter commission shall be submitted to the voters of the municipality in the same manner as other public questions to be voted upon by the voters of a single municipality. The charter commission shall frame the question to be placed upon the ballot as provided in section 1-14 and, if it deems appropriate, an interpretative statement to accompany such question.

**Amended P. L. 1981, c. 465.**

**C. 40:69A-16 Special charter or specific amendments of charters; petition to legislature.**

1-16. If the charter commission shall propose a special charter or specific amendment or amendments of or to the existing charter of the municipality, it shall be the duty of the governing body of the municipality to forthwith petition the Legislature for a special law or laws, pursuant to the Constitution of 1947 and in the manner provided by general enabling legislation thereunder, to carry out the recommendations of the charter commission.

**C. 40:69A-17 Other proceedings pending; no new resolution or petition within 4 years.**

1-17. No ordinance may be passed and no petition may be filed for the election of a charter commission pursuant to section 1-1 of this act while proceedings are pending under any other petition or ordinance filed or passed under article 1 of this act, or while proceedings are pending pursuant to section 1-18 hereof or any other statute providing for the adoption of any other charter or form of government available to the municipality, nor within four years after an election shall have been held pursuant to any such ordinance or petition passed or filed pursuant to section 1-1 hereof.

**Amended P. L. 1953, c. 254.**

*B. Procedure by Petition and Referendum*

**C. 40:69A-18 Adoption of optional plan without charter commission.**

1-18. The legally qualified voters of any municipality may adopt any of the optional plans provided in this act upon petition and referendum, without a charter commission, hereinafter provided.

**Amended P. L. 1981, c. 465.**

**C. 40:69A-19 Petition for election upon adoption of optional plan of government.**

1-19. Upon petition of the registered voters of any municipality, an election shall be held in the municipality upon the question of adopting any of the optional plans of government provided in this act. The petition calling for such election shall be subject to the provisions of section 1-1b hereof and shall be signed by the following per centum of registered voters of the municipality:

- (a) 25% in municipalities of 7,000 or less inhabitants;
- (b) 20% in municipalities of more than 7,000 and less than 70,000 inhabitants;
- (c) 10% in municipalities of 70,000 or more inhabitants.

The petition shall designate the plan to be voted upon, which may include any of the alternatives provided in this act and the question to be placed upon the ballot shall be in the same form as is required by section 1-14 of this article.

**Amended P. L. 1981, c. 465.**

**C. 40:69A-20 Submission of question to voters.**

1-20. The municipal clerk shall provide for the submission of the question at the next general or regular municipal election if one is to be held not less than sixty days nor more than one hundred twenty days after the filing of the petition, and if a general or regular municipal election is not to be held within that time, at a special election within such time. The question of adoption of an optional plan of government shall be submitted to the voters of the municipality in the same manner as other public questions to be voted upon by the voters of a single municipality.

**C. 40:69A-21 Other proceeding pending; no new petition within 4 years.**

1-21. No petition for submission of the question of adopting an optional plan of government pursuant to section 1-18 et seq. of this act may be filed while proceedings are pending pursuant to another such petition, or under an ordinance passed or petition filed pursuant to section 1-1 of this act, or while proceedings are pending pursuant to any other statute for the adoption of any other charter or form of government available to the municipality, nor within four years after an election shall have been held pursuant to any such petition filed pursuant to section 1-18 et seq. of this act.

**Amended P. L. 1953, c. 254.**

*C. Provisions Applicable to All Referenda on Charter Changes*

**C. 40:69A-22 Vote in favor of change in form of government.**

1-22. Whenever the legally qualified voters of any municipality by a majority of those voting on the question, vote in favor of adopting a change in their form of government pursuant to this act, either by the charter commission method or by direct petition and referendum, the proposed charter or charter amendment or amendments shall take effect according to its terms.



**C. 40:69A-23 After adoption, no subsequent vote on change for 3 or 5 years.**

1-23. The voters of any municipality which has adopted an optional form of government pursuant to this act may not vote on the question of adopting another form of government until three years thereafter, in the case of municipalities of 7,000 or less inhabitants, and five years thereafter in the case of all other municipalities.

**C. 40:69A-24 Each optional plan declared complete form of government.**

1-24. For the purposes of this act each of the optional plans of government provided in this act, and each of said optional plans as modified by any available provisions concerning the time of elections, size and terms of council and number of wards, is hereby declared to be a complete and separate form of government provided by the Legislature for submission to the voters of the municipality.

**Amended P. L. 1981, c. 465.**

*D. Abandonment of an Optional Plan and Reversion to a Prior Form*

**C. 40:69A-25 Petition and referendum on reversion to prior plan.**

1-25. Any municipality may, subject to the provisions of sections 1-23 of this act, abandon its optional plan and revert to the form of government under which it was governed immediately prior thereto, upon the filing of a petition and referendum as follows:

(a) Upon petition of the registered voters of the municipality signed by the same number thereof as required in section 1-19, for an election to submit the question of abandonment and reversion as herein provided, the municipal clerk shall provide for submission of the question in like manner as provided in section 1-20.

(b) The form of the question shall be as follows:

Shall ..... abandon its present  
Name of Municipality  
form of government and revert to its prior form of government, known as  
..... as provided by  
popular Name of Plan  
.....?

Statutory Reference of Prior Plan

(c) If a majority of those voting on the question vote in the affirmative the municipality shall revert to its prior form of government as of 12 m. of the fifty-ninth day following the election of officers under the form of government to which the municipality will revert. The first officers under such form of government shall be elected at the next regular municipal or general election, as appropriate to the form of government to which the municipality will revert, occurring not less than 60 days following the referendum. It shall be the duty of the municipal clerk to perform all the duties respecting such election as would be required of a municipal clerk for elections under the form of government to which the municipality will revert. Whenever a municipality has reverted to any form of government other than the commission form of government law (R. S. 40:70-1 et seq.) or the municipal

Any law to the contrary notwithstanding, persons holding office at the time of a referendum approving reversion shall continue to hold office until the municipality reverts to the previous form of government. Vacancies existing at the holding of the referendum or which occur between the holding of the referendum and the reversion of the municipality to its previous form of government, shall be filled by appointment pursuant to procedures for the filling of vacancies appropriate to the "Optional Municipal Charter Law."

(d) The reversion to a prior form of government shall take effect as provided in sections 17-57 through 17-59 of this act for transition to an optional plan hereunder.

**C. 40:69A-25.1 Amendment of charter to include alternatives under plan of government; referendum; ballots; form of question.**

b. At any election at which the question of adopting an alternative is to be submitted to the voters pursuant to this section, the question shall be submitted in substantially the following form:

GROUP A.

- 9

**GROUP B.**

- (3) "the election of all council members at large;"
- (4) "the division of the municipality into .....  
(insert number)  
wards with ..... council members to be elected  
(insert number)  
at large and one from each ward;"

GROUP C.

- (5) "the election of all council members for concurrent terms;"  
(6) "the election of council members for staggered terms;"

GROUP D.

- (7) "the election of the mayor by the members of the council from among their own number;"
- (8) "the election of the mayor directly by the voters of the municipality;"

GROUP E.

- (9) “a municipal council to consist of three members;”
- (10) “a municipal council to consist of five members;”
- (11) “a municipal council to consist of seven members;”
- (12) “a municipal council to consist of nine members.”

If more than one alternative is to be submitted to the voters at the same time, each alternative shall be separately stated on the ballot in the form of a question as set forth above. If the provisions of two or more alternatives adopted at the same election conflict, then that receiving the greatest affirmative vote shall control. Nothing contained in this section shall authorize the submission to the voters of the question of adopting any alternative not authorized by the plan of government under which the municipality is governed. No question shall be submitted to the voters pursuant to this section within 4 years next following the adoption by the municipality of a plan of government authorized by P. L. 1950, c. 210 (C. 40:69A-1 et seq.) or this act, or within 4 years next following the date on which the question of adopting it or any alternative in the same group was last submitted to the voters pursuant to this section.

c. In any municipality having adopted a charter providing for the division of the municipality into wards, the question of increasing or decreasing the number of council members to be elected in the municipality shall be submitted to the voters in the manner set forth in alternative (4) of Group B. of subsection b. of this section. None of the alternatives set forth in Group E. of that subsection shall be submitted to the voters in any municipality divided into wards, unless at the same election alternative (3) of Group B. of that subsection is also submitted, in which case both alternatives shall be approved by the voters in order for either to take effect.

**P. L. 1981, c. 465.**

**C. 40:69A-25.2 Group A or B alternatives; adoption; transitional provisions.**

1-25.2. Whenever any municipality, pursuant to the authority granted in section 7<sup>1</sup> of this act, shall amend its charter to include an alternative permitted under its plan of government and included in either Group A. or Group B. of subsection b. of section 7<sup>1</sup> of this act, the terms of all council members, and directly elected mayor if affected, currently serving in the municipality on the date of the election at which the amendment was adopted, and of all affected officers elected at that election, shall terminate on June 30, or December 31, as appropriate to the election provisions of the amended charter, next following the date of the first election of officers under the amended charter. The nomination and election of those municipal officers as are required shall be conducted in accordance with the provisions of the amended charter and appropriate law for the election to be held on the second Tuesday in May next following the date of adoption, or on the first Tuesday after the first Monday in November next following the date of adoption. If the amendment adopted to the charter shall provide for the division of the municipality into wards, or by its terms require an increase or decrease in the number of wards into which the municipality is divided, the word boundaries required by the amended charter shall be fixed and determined pursuant to law within 90 days of the date of adoption.

If the municipality shall at the same time amend its charter to include an alternative permitted under its plan of government and included in Group C., Group D. or Group E. of subsection b. of section 7<sup>1</sup> of this act, the transitional provisions of this section shall apply and the provisions of all amendments shall take effect for the election to be held pursuant to this section.

**P. L. 1981, c. 465.**

<sup>1</sup> Section 40:69A-25.1.

**C. 40:69A-25.3 Group C alternatives; adoption; transitional provisions.**

1-25.3. Whenever any municipality shall, pursuant to the authority granted in section 7<sup>1</sup> of this act, amend its charter only to include an alternative permitted under its plan of government and included in group C. of subsection b. of section 7<sup>1</sup> of this act, the transitional provisions of this section shall apply.

a. If the amended charter shall provide for the election of all council members for concurrent terms in a municipality where prior to the amendment council members were elected for staggered terms, at the next election at which municipal officers are elected, and at each succeeding municipal election thereafter until such time as it shall occur that all council members shall be elected at the same election, council members elected at that election shall serve for a term equal in years to the number which the council member currently serving and having the greatest number of years remaining of his term has yet to serve of his term. At the election that it shall occur that all council members shall be elected at the same time, each council member shall be elected for the term of years provided in the amended charter.

b. If the amended charter shall provide for the election of council members for staggered terms in a municipality where prior to the amendment council members were elected for concurrent terms, the amendment to the charter shall take effect for the next election at which municipal officers are elected in the municipality.

**P. L. 1981, c. 465.**

<sup>1</sup> Section 40:69A-25.1.

**C. 40:69A-25.4 Group D alternatives; adoption; transitional provisions.**

1-25.4. Whenever any municipality shall, pursuant to the authority granted in section 7<sup>1</sup> of this act, amend its charter only to include an alternative permitted under its plan of government and included in group D. of subsection b. of section 7<sup>1</sup> of this act, the transitional provisions of this section shall apply.

a. If a municipality in which the mayor is elected by the members of the council shall adopt an amendment to its charter providing for the election of the mayor directly by the voters of the municipality, the amendment shall take effect for the next election held in the municipality at which municipal officers are elected, in accordance with the provisions of the amended charter. Any mayor currently serving on the date of that election shall, upon and after the date of the commencement of the term of the mayor elected at that election, serve as a member of the council for the remainder of his term but shall not exercise the powers or duties of mayor.

b. If a municipality in which the mayor is elected directly by the voters of the municipality shall adopt an amendment to its charter providing for the election of the mayor by the members of the council, the amendment shall take effect the first day of the next full month after adoption. On that date the members of the council currently serving shall meet and elect one of their number as mayor to serve until the first day of July, or January, as appropriate, next, at which time the members shall elect one of their number to serve a full term as mayor, pursuant to the amended charter. Any mayor serving on the effective date of the amendment shall, on and after that date, serve as a member of the council for the remainder of his term, but shall not exercise the powers or duties of mayor unless elected by the council.

**P. L. 1981, c. 465.**

<sup>1</sup> Section 40:69A-25.1.

**C. 40:69A-25.5 Group E alternatives; adoption; transitional provisions.**

1-25.5. Whenever any municipality shall, pursuant to the authority granted in section 7<sup>1</sup> of this act, amend its charter only to include an alternative permitted under its plan of government and included in group E. of subsection b. of section 7<sup>1</sup> of this act, the transitional provisions of this section shall apply.

a. If the amended charter shall provide for the election of council members at large for concurrent terms, the increase or decrease in the number of council members shall take effect for the next election at which municipal officers are elected in the municipality.



b. If the amended charter shall provide for the election of council members at large for staggered terms, an increase in the number of council members shall take effect as follows:

(1) If the plan of government requires generally a 3-year term for council members:

(a) And the increase is from three to five council members, at the next election at which municipal officers are elected, one additional council member shall be elected for a term of 1 year and one for a term of 2 years;

(b) And the increase is from three to seven council members, at the next election at which municipal officers are elected, two additional council members shall be elected for terms of 1 year, one for a term of 2 years, and one for a term of 3 years; or,

(c) And the increase is from five to seven council members, at the next election at which municipal officers are elected, one additional council member shall be elected for a term of 1 year and one for a term of 3 years;

(2) If the plan of government requires generally a 4-year term for council members:

(a) And the increase is from five to seven council members, at the next election at which municipal officers are elected, one additional council member shall be elected for a term of 2 years and one for a term of 4 years;

(b) And the increase is from five to nine council members, at the next election at which municipal officers are elected, two additional council members shall be elected for terms of 2 years and two for terms of 4 years; or,

(c) And the increase is from seven to nine council members, at the next election at which municipal officers are elected, one additional council member shall be elected for a term of 2 years and one for a term of 4 years.

c. If the amended charter shall provide for the election of council members at large for staggered terms, and the adopted amendment requires a decrease in the number of council members, the terms of all council members currently serving in the municipality on the date of the election at which the amendment was adopted, and of all council members elected at that election, shall terminate on June 30, or December 31, as appropriate to the election provisions of the amended charter, next following the date of the first election of officers under the amended charter. The nomination and election of council members shall be conducted in accordance with the provisions of the amended charter and appropriate law for the election to be held on the second Tuesday in May next following the date of adoption, or on the first Tuesday after the first Monday in November next following the date of adoption.

**P. L. 1981, c. 465.**

## ARTICLE 2

### INCORPORATION AND POWERS

**C. 40:69A-26 Laws governing after adoption of optional form of government.**

2-1. Upon the adoption by the qualified voters of any municipality of any of the optional forms of government set forth in this act, the municipality shall thereafter be governed by the plan adopted, by the provisions of this act common to optional plans and by all applicable provisions of general law, subject to the transitional provisions of article 17 of this act, unless and until the municipality should adopt another form of government as provided by law.

**C. 40:69A-27 Municipality remains body corporate and politic; name.**

2-2. Upon such adoption of a plan under this act, the inhabitants of any municipality or municipalities within the corporate limits as now or hereafter established shall be and remain a body corporate and politic with perpetual succession, and with such corporate name as it has heretofore adopted or may hereafter adopt.

**C. 40:69A-28 "General law" defined.**

2-3. For the purposes of this act, a "general law" shall be deemed to be any law or provision of law, not inconsistent with this act, heretofore or hereafter enacted which is by its terms applicable or available to all municipalities, and the following additional laws whether or not such additional laws are so applicable or available to all municipalities: legislation relating to taxation, local courts, education, health, public authorities serving more than one municipality, and municipalities in unsound financial condition.

**C. 40:69A-29 General powers of municipalities governed by optional form of government.**

2-4. Each municipality governed by an optional form of government pursuant to this act shall, subject to the provisions of this act or other general laws, have full power to:

(a) organize and regulate its internal affairs, and to establish, alter, and abolish offices, positions and employments and to define the functions, powers and duties thereof and fix their term, tenure and compensation;

(b) adopt and enforce local police ordinances of all kinds and impose penalties of fine not exceeding five hundred dollars (\$500.00) or imprisonment for any term not exceeding ninety days or both for the violation thereof; to 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, and to exercise all powers of local government in such manner as its governing body may determine;

(c) sue and be sued, to have a corporate seal, to contract and be contracted with, to buy, sell, lease, hold and dispose of real and personal property, to appropriate and expend moneys, and to adopt,

amend and repeal such ordinances and resolutions as may be required for the good government thereof;

(d) exercise powers of condemnation, borrowing and taxation in the manner provided by general law.

**C. 40:69A-30 Power of local self-government conferred; construction of grants of power.**

2-5. The general grant of municipal power contained in this article is intended to confer the greatest power of local self-government consistent with the Constitution of this State. Any specific enumeration of municipal powers contained in this act or in any other general law 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 municipal power to municipalities governed by an optional plan under this act, 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 municipality.

### ARTICLE 3

#### MAYOR-COUNCIL PLAN

##### *A. Form of Government*

**C. 40:69A-31 Applicable laws.**

3-1. The form of government provided in this article shall be known as the "mayor-council plan" and shall, together with articles 2 and 17, govern any municipality the voters of which have adopted it pursuant to this act.  
**Amended P. L. 1981, c. 465.**

**C. 40:69A-32 Government by council, mayor and appointed officers and employees.**

3-2. Each municipality hereunder shall be governed by an elected council, and an elected mayor and by such other officers and employees as may be duly appointed pursuant to this article, general law or ordinance.

##### *B. Elected officials*

**C. 40:69A-33 Mayor; election; term.**

3-3. The mayor shall be elected by the voters of the municipality and shall serve for a term of 4 years.  
**Amended P. L. 1981, c. 465.**

**C. 40:69A-34 Council members; number; term.**

3-4. The council shall consist of five members, unless otherwise provided in the municipal charter, who shall serve for a term of 4 years.  
**Amended P. L. 1981, c. 465.**

**C. 40:69A-34.1 Mayor-Council plans; election of mayor and council; regular municipal or general election.**

3-4.1. Any municipality adopting a mayor-council plan of government shall provide in its charter that the mayor and council shall be elected by the voters of the municipality either:

a. At a regular municipal election held on the second Tuesday in May in the years in which municipal officers are to be elected, in which case the term of office of the mayor and council members shall begin on July 1 next following their election; or,

b. At the general election held on the first Tuesday after the first Monday in November or at such other time as may be provided by law for holding general elections, in which case the term of office of the mayor and council members shall begin on January 1 next following their election.

**P. L. 1981, c. 465.**

**C. 40:69A-34.2 Council members; election at large or by ward.**

3-4.2. Any municipality adopting a mayor-council plan of government shall provide in its charter either:

a. That the council members shall be elected at large by the voters of the municipality at the regular municipal election, or general election, as the charter shall provide; or,

b. That the municipality shall be divided into wards pursuant to the authority granted in sections 1-13 or 1-19 (C. 40:69A-13 or 40:69A-19); that councilmen shall be elected at large and by wards at the regular municipal election or general election, as the charter shall provide; and that no more than one councilman shall be elected from each ward established in the municipality, and all other councilmen shall be elected at large.

**P. L. 1981, c. 465.**

**C. 40:69A-34.3 First council members; term of office.**

3-4.3. a. Any municipality adopting a mayor-council plan of government may provide in its charter that the council members elected at the first regular municipal election or general election, as the charter shall provide, following the adoption of the plan shall serve for the following terms: if the municipal council is to consist of five members, two shall serve for 4 years and three for 2 years; if the municipal council is to consist of seven members, three shall serve for 4 years and four for 2 years; or, if the municipal council is to consist of nine members, four shall serve for 4 years and five for 2 years. The length of the respective term of each member of the first council shall be determined by lot at the organization of the council immediately following the election.

b. Notwithstanding the provisions of subsection a. of this section, if a municipality adopting the provisions of this section shall also provide in its charter that the municipality shall be divided into wards pursuant to the authority granted in sections 1-13 or 1-19 (C. 40:69A-13 or 40:69A-19), the council members elected at the first regular municipal election or general election, as the charter shall provide, following the adoption of the plan shall serve as follows: the councilmen elected at large for a term of 4 years; and, the councilmen elected from wards for a term of 2 years.

**P. L. 1981, c. 465.**

C. 40:69A-35. Vacancies in elective offices.

Repealed P. L. 1979, c. 83.

See now N. J. S. 40A:16-5.

### *C. Council*

#### **C. 40:69A-36 Legislative power.**

3-6. The legislative power of the municipality shall be exercised by the municipal council, except as may be otherwise provided by general law.

#### **C. 40:69A-37 Powers; requiring sworn statements from officers; removal of officers.**

3-7. The council, in addition to such other powers and duties as may be conferred upon it by this charter or otherwise by general law, may:

(a) require any municipal officer, in its discretion, to prepare and submit sworn statements regarding his official duties in the performance thereof, and otherwise to investigate the conduct of any department, office or agency of the municipal government;

(b) remove any municipal officer, other than the mayor or a member of council, for cause, upon notice and an opportunity to be heard.

#### **C. 40:69A-38 Municipal clerk; duties.**

3-8. The council shall appoint a municipal clerk, who shall serve as clerk of the council, keep its minutes and records of its proceedings, maintain and compile its ordinances and resolutions as this act requires, and perform such functions as may be required by law. The municipal clerk shall, prior to his appointment, have been qualified by training or experience to perform the duties of the office.

### *D. Mayor and Administration*

#### **C. 40:69A-39 Executive power.**

3-9. The executive power of the municipality shall be exercised by the mayor.

#### **C. 40:69A-40 Duties of mayor.**

3-10. The mayor shall enforce the charter and ordinances of the municipality and all general laws applicable thereto. He shall annually report to the council and the public on the work of the previous year and on the condition and requirements of the municipal government and shall from time to time make such recommendations for action by the council as he may deem in the public interest. He shall supervise all of the departments of the municipal government and shall require each department to make an annual and such other reports of its work as he may deem desirable.

#### **C. 40:69A-41 Approval or veto of ordinances; attending meetings.**

3-11. (a) Ordinances adopted by the council shall be submitted to the mayor, and he shall within ten days after receiving any ordinance, either approve the ordinance by affixing his signature thereto or return it to the council by delivering it to the municipal clerk together with a statement setting forth his objections thereto or to any item or part thereof. No ordinance or any item or part thereof shall take effect without the mayor's approval, unless the mayor fails to return an ordinance to the council within ten days after it has been presented to him, or unless council upon reconsideration thereof on or after the third day following its return by the

mayor shall by a vote of two-thirds of the members resolve to override the mayor's veto.

(b) The mayor may attend meetings of council and may take part in discussions of council but shall have no vote except in the case of a tie on the question of filing a vacancy in the council, in which case he may cast the deciding vote.

**C. 40:69A-42 Acting mayor.**

3-12. The mayor shall designate the business administrator, any other department head, or the municipal clerk to act as mayor whenever the mayor shall be prevented by absence from the municipality, disability or other cause from attending to the duties of his office. During such time the person so designated by the mayor shall possess all the rights, powers, and duties of mayor. Whenever the mayor shall have been unable to attend to the duties of his office for a period of sixty consecutive days for any of the above stated reasons, an acting mayor shall be appointed by the council, who shall succeed to all the rights, powers and duties of the mayor or the then acting mayor.

**C. 40:69A-43 Department; heads; appointment; term of office; removal; officers and employees; board of alcoholic beverage control.**

3-13. (a) The municipality shall have a department of administration and such other departments, not exceeding nine in number, as council may establish by ordinance. All of the administrative functions, powers and duties of the municipality, other than those vested in the offices of the municipal clerk and the municipal tax assessor, shall be allocated and assigned among and within such departments.

The offices of the municipal clerk and the municipal tax assessor shall be subject to such general administrative procedures and requirements as are departments of the municipal government, including, but not limited to, the preparation and submission of an annual budget and of such periodic budget reports as are generally required of departments, and such accounting controls, central purchasing practices, personnel procedures and regulations, and central data processing services as are generally required of departments.

(b) Each department shall be headed by a director, who shall be appointed by the mayor with the advice and consent of the council. Each department head shall serve during the term of office of the mayor appointing him, and until the appointment and qualification of his successor.

(c) The mayor may in his discretion remove any department head after notice and an opportunity to be heard. Prior to removing a department head the mayor shall first file written notice of his intention with the council, and such removal shall become effective on the twentieth day after the filing of such notice unless the council shall prior thereto have adopted a resolution by a  $\frac{2}{3}$  vote of the whole number of the council, disapproving the removal.

(d) Department heads shall appoint subordinate officers and employees within their respective departments and may, with approval of the mayor,

remove such officers and employees subject to the provisions of the Revised Statutes, Title 11, Civil Service, where that Title is effective in the municipality, or other general law; provided, however, that council may provide by ordinance for the appointment and removal of specific boards or commissions by the mayor.

(e) Notwithstanding the foregoing provisions of this section in any city of the first class there shall be, and in any municipality having a population of 15,000 or more, there may be, a board of alcoholic beverage control which shall exercise the powers conferred upon municipal boards of alcoholic beverage control under Title 33 of the Revised Statutes. Such board shall be comprised of three members, no more than two of whom shall be of the same political party, who shall be appointed by the mayor, with the advice and consent of the council, each to serve for a term of 3 years, provided that of those first appointed, one shall be appointed to serve for a term of 1 year, one for 2 years, and one for 3 years. Any vacancy in such office shall be filled in the same manner as the original appointment for the balance of the unexpired term. Except in cities of the first class the members of such board shall serve without compensation but may be reimbursed for necessary expenses incurred in the performance of their duty; in cities of the first class, the members of such board shall receive such compensation as shall be established by ordinance of the municipality. They shall be removable by the mayor for cause. Any person appointed hereunder shall not be subject to the provisions of Title 11 of the Revised Statutes, Civil Service, and no such person shall be a member of the city council.

Nothing in this subsection shall be construed to limit the general power of the municipal council under this act to establish, alter and abolish offices, boards and commissions in any municipality other than a city of the first class.

(f) Whenever in any city of the first class the governing body is authorized by any provision of general law to appoint the members of any board, authority or commission, such power of appointment shall be deemed to vest in the mayor with the advice and consent of the council.

**Amended P. L. 1981, c. 393 and c. 462.**

**C. 40:69A-43.1 Deputy director of department.**

3-13.1. The director of each department in any city of the second class which, prior to the effective date of this amendatory and supplementary act, has adopted the form of government designated as "Mayor-Council Plan D" provided for in article 6 of the act to which this act is a supplement, may appoint a deputy director of his department who shall serve, and be removable at the pleasure of the director, in the unclassified service of the civil service of the city and shall receive such salary as shall be fixed by the director with the approval of the council.

No municipality shall adopt the provisions of this section on or after the effective date of this amendatory and supplementary act.

**Amended P. L. 1981, c. 465.**

**C. 40:69A-43.2 Powers and duties of deputy.**

3-13.2. The director shall prescribe, in writing, the powers and duties of the deputy so appointed by him and the acts of such deputy, within the scope of his authority, shall in all cases be as legal and binding as if done and performed by the director for whom he is acting.

**P. L. 1954, c. 62.**

**C. 40:69A-44 Department of administration; director; qualifications; powers and duties.**

3-14. The department of administration shall be headed by a director who shall be known and designated as business administrator. He shall be chosen solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the municipality or State, but during his tenure of office he may reside outside the municipality only with the approval of council. He shall have, exercise and discharge the functions, powers and duties of the department. The department, under the direction and supervision of the mayor shall:

- (a) Assist in the preparation of the budget;
- (b) Administer a centralized purchasing system;
- (c) Be responsible for the development and administration of a sound personnel system; and

(d) Perform such other duties as council may prescribe.

(e) The governing body of the municipality may provide, by ordinance, that the business administrator also shall, subject to the direction of the mayor, supervise the administration of each of the departments established by ordinance. For this purpose, he shall have power to investigate the organization and operation of any and all departments, to prescribe standards and rules of administrative practice and procedure, and to consult with the heads of the departments under his jurisdiction; provided that with respect to any department of law or department of audit, accounts or control, the authority of the business administrator under this subsection shall extend only to matters of budgeting, personnel and purchasing.

**Amended P. L. 1981, c. 465.**

*E. Budget and Control*

**C. 40:69A-45 Preparation of budget.**

3-15. The municipal budget shall be prepared by the mayor with the assistance of the business administrator. During the month of November, the mayor shall require all department heads to submit requests for appropriations for the ensuing budget year, and to appear before the mayor or the business administrator at public hearings, which shall be held during that month, on the various requests.

**C. 40:69A-46 Recommended budget; submission of.**

3-16. On or before the fifteenth day of January the mayor shall submit to council his recommended budget together with such explanatory comment or statement as he may deem desirable. The budget shall be in such form



as is required by law for municipal budgets, and shall in addition have appended thereto a detailed analysis of the various items of expenditure and revenue. Council may reduce any item or items in the mayor's budget by a vote of a majority of the council, but an increase in any item or items therein shall become effective only upon an affirmative vote of two-thirds of the members of council.

**C. 40:69A-47 System of work programs and quarterly allotments.**

3-17. The council shall where practicable provide for the maintenance of a system of work programs and quarterly allotments, for operation of the budget. It shall be the duty of the officer or department administering any such program to develop and report appropriate unit costs of budgeted expenditures.

**C. 40:69A-48 Control function.**

3-18. The council shall provide by ordinance for the exercise of a control function, in the management of the finances of the municipality, by some officer other than the business administrator. The control function shall include provision for an encumbrance system of budget operation, for expenditures only upon written requisition, for the preaudit of all claims and demands against the municipality prior to payment, and for the control of all payments out of any public funds by individual warrants for each payment to the official having custody thereof.

ARTICLE 4

MAYOR-COUNCIL PLAN B

- C. 40:69A-49. Applicable laws.
- C. 40:69A-50. Government by elected council and mayor and appointed officers and employees.
- C. 40:69A-51. Mayor; election; term.
- C. 40:69A-52. Council members; election; term.
- C. 40:69A-53. First council; terms of members.
- Repealed P. L. 1981, c. 465.
- See Supplement.
- C. 40:69A-54. Vacancies in elective offices.
- Repealed P. L. 1979, c. 83.
- See now N. J. S. 40A:16-5.

ARTICLE 5

MAYOR-COUNCIL PLAN C

- C. 40:69A-55. Applicable laws.
- C. 40:69A-56. Government by elected council and mayor and appointed officers and employees.
- C. 40:69A-57. Wards.
- C. 40:69A-58. Mayor; election; term.
- C. 40:69A-59. Council members; election; term.
- Repealed P. L. 1981, c. 465.
- See Supplement.
- C. 40:69A-60. Vacancies in elective offices.
- Repealed P. L. 1979, c. 83.
- See now N. J. S. 40A:16-5.

**C. 40:69A-60.1 Municipalities over 80,000; adoption prior to Jan. 9, 1982; deputy mayors, secretaries and aides.**

5-6.1. The mayor of any municipality having a population of more than 80,000 which, prior to the effective date of this amendatory and supplementary act, has adopted the form of government designated as "Mayor-Council Plan C" provided for in article 5 of the act of which this act is a supplement, may appoint one or two deputy mayors, a personal secretary, an executive secretary, and aides not exceeding five in number, who shall serve, and be removable at the pleasure of the mayor, and who shall serve in the unclassified service of the civil service of the city and shall receive such salary as shall be fixed by ordinance.

No municipality shall adopt the provisions of this section on or after the effective date of this amendatory and supplementary act.

**Amended P. L. 1981, c. 465**

**C. 40:69A-60.2 Powers and duties of deputy, secretaries and aides.**

5-6.2. The mayor shall prescribe, in writing, the powers and duties of the deputy or deputies, personal secretary, executive secretary, and aides to the mayor.

**Amended P. L. 1970, c. 168.**

**C. 40:69A-60.3 Municipalities over 300,000; department of administration; assistant business administrator.**

5-6.3. The director of the department of administration in any municipality having a population of more than 300,000 which, prior to the effective date of this amendatory and supplementary act, has adopted the form of government designated as "Mayor-Council Plan C" provided for in article 5 of the act of which this act is a supplement, may appoint and may remove, with the approval of the mayor, an assistant business administrator of his department who shall serve in the unclassified service of the civil service of the city and shall receive such salary as shall be fixed by ordinance.

No municipality shall adopt the provisions of this section on or after the effective date of this amendatory and supplementary act.

**Amended P. L. 1981, c. 465.**

**C. 40:69A-60.4 Powers and duties of assistant business administrator.**

5-6.4. The director shall prescribe, in writing, the power and duties of the assistant business administrator so appointed and the acts of such assistant business administrator, within the scope of his authority, shall in all cases be as legal and binding as if done by the director for whom he is acting.

**Added P. L. 1965, c. 35.**

**C. 40:69A-60.5 Municipalities over 200,000; aides for councilmen.**

5-6.5. The municipal council of any municipality having a population of more than 200,000 which, prior to the effective date of this amendatory and supplementary act, has adopted the form of government designated as "Mayor-Council Plan C" provided for in article 5 of the act of which this act is a supplement, may appoint not more than one aide for each councilman, who shall serve, and be removable at the pleasure of the councilman, and who shall serve in the unclassified service of the civil service

of the city and shall receive such salary as shall be fixed by ordinance, but said salary shall not exceed \$10,000.00.

No municipality shall adopt the provisions of this section on or after the effective date of this amendatory and supplementary act.

**Amended P. L. 1981, c. 465.**

**C. 40:69A-60.6 Powers and duties of aides.**

5-6.6. The municipal council shall prescribe, in writing, the powers and duties of the aide.

**P. L. 1973, c. 89.**

**C. 40:69A-60.7 City of first class under Mayor-Council Plan C; police chief; appointment; term of office; removal.**

5-6.7. a. Notwithstanding the provisions of any other law to the contrary, the governing body of any city of the first class, which, prior to the effective date of this amendatory and supplementary act, has adopted the form of government designated as "Mayor-Council Plan C" provided for in article 5 of the act to which this act is a supplement, may provide, by ordinance, that the mayor shall appoint a police chief, who shall have served as a superior police officer and possess at least 5 years administrative and supervisory police experience, who shall serve during the term of office of the mayor appointing him, and until the appointment and qualification of his successor, and who shall serve in the unclassified service of the civil service of the city and shall receive such salary as shall be fixed by ordinance.

b. The mayor of any first class city adopting the provisions of this supplementary act may in his discretion remove any person appointed pursuant to the provisions of this act, after notice and an opportunity to be heard. Prior to removing such person the mayor shall first file written notice of his intention to do so with the council, and such removal shall become effective on the twentieth day after the filing of such notice unless the council shall prior thereto have adopted a resolution disapproving such removal by at least a  $\frac{2}{3}$  vote of the membership of the council.

**P. L. 1979, c. 163. Amended P. L. 1981, c. 465.**

**ARTICLE 6**

**MAYOR-COUNCIL PLAN D**

C. 40:69A-61. Applicable laws.

C. 40:69A-62. Government by elected council and mayor and appointed officers and employees.

C. 40:69A-63. Wards.

C. 40:69A-64. Mayor; election; term.

C. 40:69A-65. Council members; term; election.

C. 40:69A-66. Election of councilmen at first election.

Repealed P. L. 1981, c. 465.

See Supplement.

C. 40:69A-67. Vacancies in elective office.

Repealed P. L. 1979, c. 83.

See now N. J. S. 40A:16-5.

ARTICLE 7

MAYOR-COUNCIL PLAN E

- C. 40:69A-68. Applicable laws.
- C. 40:69A-69. Government by elected council and mayor and appointed officers and employees.
- C. 40:69A-70. Mayor; election; term.
- C. 40:69A-71. Council members; election; term.
- C. 40:69A-72. First election of councilmen.
- Repealed P. L. 1981, c. 465.
- See Supplement.
- C. 40:69A-73. Vacancies in elective offices.
- Repealed P. L. 1979, c. 83.
- See now N. J. S. 40A:16-5.

ARTICLE 8

MAYOR-COUNCIL PLAN F

- C. 40:69A-74. Applicable laws.
- C. 40:69A-75. Government by elected council and mayor and appointed officers and employees.
- C. 40:69A-76. Wards.
- C. 40:69A-77. Mayor; election; term.
- C. 40:69A-78. Council members; term; election.
- C. 40:69A-79. First election of councilmen
- Repealed P. L. 1981, c. 465.
- See Supplement.
- C. 40:69A-80. Vacancies in elective offices.
- Repealed P. L. 1979, c. 83.
- See now N. J. S. 40A:16-5.

ARTICLE 9.

COUNCIL-MANAGER PLAN

*A. Form of Government; Election of Councilmen*

**C. 40:69A-81 Applicable Laws.**

9-1. The form of government provided in this article shall be known as the "council-manager plan" and shall, together with articles 2 and 17, govern any municipality, the voters of which have adopted this plan pursuant to this act.

**Amended P. L. 1981, c. 465.**

**C. 40:69A-82 Government by elected council and appointed manager and other officers and employees.**

9-2. Each municipality under this article shall be governed by an elected council and by an appointed municipal manager, and by such other officers and employees as may be duly appointed pursuant to this article, general law or ordinance.

**C. 40:69A-83 Council.**

9-3. The municipal council shall consist of five members, unless otherwise provided in the municipal charter, who shall serve for a term of 4 years.

**Amended P. L. 1981, c. 465.**

**C. 40:69A-83.1 Council-Manager plans; charter provision; regular municipal or general election; term of office.**

9-3.1. Any municipality adopting a council-manager plan of government shall provide in its charter that the council members shall be elected by the voters of the municipality either:

a. At a regular municipal election held on the second Tuesday in May in the years in which municipal officers are to be elected, in which case the term of office of the council members shall begin on July 1 next following their election; or,

b. At the general election held on the first Tuesday after the first Monday in November or at such other time as may be provided by law for holding general elections, in which case the term of office of the council members shall begin on January 1 next following their election.

**P. L. 1981, c. 465.**

**C. 40:69A-83.2 Election at large or by ward.**

9-3.2. Any municipality adopting a council-manager plan of government shall provide in its charter either:

a. That the council members shall be elected at large by the voters of the municipality at the regular municipal election, or general election, as the charter shall provide; or,

b. That the municipality shall be divided into wards pursuant to the authority granted in sections 1-13 or 1-19 (C. 40:69A-13 or 40:69A-19); that councilmen shall be elected at large and by wards at the regular municipal election or general election, as the charter shall provide; and that no more than one councilman shall be elected from each ward established in the municipality, and all other councilmen shall be elected at large.

**P. L. 1981, c. 465.**

**C. 40:69A-83.3 First members of council; term of office.**

9-3.3. Any municipality adopting a council-manager plan of government may provide in its charter that the council members elected at the first regular municipal election or general election, as the charter shall provide, following the adoption of the plan shall serve for the following terms: if the municipal council is to consist of five members, two shall serve for 4 years and three for 2 years; if the municipal council is to consist of seven members, three shall serve for 4 years and four for 2 years; or, if the municipal council is to consist of nine members, four shall serve for 4 years and five for 2 years. The length of the respective term of each member of the first council shall be determined by lot at the organization of the council immediately following the election; except that if, pursuant to the charter, the mayor is elected directly by the voters, the mayor shall, for the purposes of this subsection, be counted among those first councilmen to serve a 4 year term.

b. Notwithstanding the provisions of subsection a. of this section, if a municipality adopting the provisions of this section shall also provide in its charter that the municipality shall be divided into wards pursuant to the authority granted in sections 1-13 or 1-19 (C. 40:69A-13 or 40:69A-19), the council members elected at the first regular municipal election or

general election, as the charter shall provide, following the adoption of the plan shall serve as follows: the councilmen elected at large for a term of 4 years; and, the councilmen elected from wards for a term of 2 years.

**P. L. 1981, c. 465.**

C. 40:69A-84. Election of council members.

Repealed P. L. 1981, c. 465.

C. 40:69A-85. Vacancies in council.

Repealed P. L. 1979, c. 83.

See now N. J. S. 40A:16-5.

### *B. Council*

**C. 40:69A-86 Mayor; election by council or by voters; charter provision.**

9-6. Any municipality adopting a council-manager plan of government shall provide in its charter either:

a. That the mayor shall be elected by the members of the council; in which case on the first day of July or January, as appropriate, following their election, the members elect of the municipal council shall assemble at the usual place of meeting of the governing body of the municipality and organize and elect one of their number as mayor. The mayor shall be chosen by ballot by majority vote of all members of the municipal council. If the members shall be unable, within five ballots to be taken within 2 days of said organization meeting, to elect a mayor, then the member who in the election for members of the municipal council received the greatest number of votes shall be the mayor. Should such person decline to accept the office, then the person receiving the next highest vote shall be the mayor, and so on, until the office is filled; or,

b. That the mayor shall be elected directly by the voters of the municipality at the regular municipal election, or general election, as the charter shall provide. At the first election following the adoption of the charter, and each appropriate subsequent election, one position of council member to be elected at large shall be designated and voted for under the title of mayor, and candidates for the position shall be clearly designated as candidates for mayor in their respective nominating petitions. The candidate for mayor receiving the greatest number of votes shall be elected, and shall serve for a term of 4 years.

**Amended P. L. 1981, c. 465.**

**C. 40:69A-87 Duties of mayor.**

9-7. The mayor shall preside at all meetings of the municipal council and shall have a voice and vote in its proceedings. He shall fill vacancies occurring in the trustees of the public library and in the board of education where the municipality is operating under chapter 6 of Title 18 of the Revised Statutes for such terms of office as are provided by law. All bonds, notes, contracts and written obligations of the municipality shall be executed on its behalf by the mayor or, in the event of his inability to act, by such councilman as the municipal council shall designate to act as mayor during his absence or disability. The powers and duties of the mayor shall be only such as are expressly conferred upon him by this article.

**C. 40:69A-88 Powers of municipality vested in council; exceptions.**

9-8. All powers of the municipality and the determination of all matters of policy shall be vested in the municipal council, except as otherwise provided by this act or by general law.

**C. 40:69A-89 Appointment of municipal manager and clerk and others.**

9-9. The municipal council shall appoint a municipal manager and a municipal clerk. Both of such offices may be held by the same person. The council may provide for the manner of appointment of a municipal attorney, any planning board, zoning board of adjustment or personnel board in the municipality, and may create commissions and other bodies with advisory powers.

**C. 40:69A-90 Departments, boards and offices; deputy manager.**

9-10. The municipal council shall continue or create, and determine and define the powers and duties of such executive and administrative departments, boards and offices, in addition to those provided for herein, as it may deem necessary for the proper and efficient conduct of the affairs of the municipality, including the office of deputy manager which shall not be included in the classified service under Title 11 of the Revised Statutes. Any department, board or office so continued or created may at any time be abolished by the municipal council.

**C. 40:69A-91 Municipal council to act as a body; administrative service to be performed through manager; committees or commissions.**

9-11. It is the intention of this article that the municipal council shall act in all matters as a body, and it is contrary to the spirit of this article for any of its members to seek individually to influence the official acts of the municipal manager, or any other officer, or for the council or any of its members to direct or request the appointment of any person to, or his removal from, office; or to interfere in any way with the performance by such officers of their duties. The council and its members shall deal with the administrative service solely through the manager and shall not give orders to any subordinates of the manager, either publicly or privately. Nothing herein contained shall prevent the municipal council from appointing committees or commissions of its own members or of citizens to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of the municipality, and delegating to such committees or commissions such powers of inquiry as the municipal council may deem necessary. Any councilman violating the provisions of this section shall, upon conviction thereof in a court of competent jurisdiction, be disqualified as councilman.

*C. Municipal Manager*

**C. 40:69A-92 Qualifications of municipal manager.**

9-12. The municipal manager shall be chosen by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice

in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the municipality or State, but during his tenure of office he may reside outside the municipality only with the approval of council.

**C. 40:69A-93 Term of municipal manager; removal; suspension.**

9-13. The municipal manager shall hold office for an indefinite term and may be removed by a majority vote of the council. At least 30 days before such removal shall become effective, the council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his removal. The manager may reply in writing and may request a public hearing, which shall be held not earlier than 20 days nor later than 30 days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the council by majority vote of its members may adopt a final resolution of removal. By the preliminary resolution the council may suspend the manager from duty, but shall in any case cause to be paid him forthwith any unpaid balance of his salary and his salary for the next 3 calendar months following adoption of the preliminary resolution unless he is removed for good cause. For the purposes of this section, "good cause" shall mean conviction of a crime or offense involving moral turpitude, the violation of the provisions of sections 17-14, 17-15, 17-16, 17-17 or 17-18 of P. L. 1950, c. 210 (C. 40:69A-163 through 40:69A-167), or the violation of any code of ethics in effect within the municipality.

**Amended P. L. 1981, c. 465.**

**C. 40:69A-94 Absence or disability of manager.**

9-14. The manager may designate a qualified administrative officer of the municipality to perform his duties during his temporary absence or disability. In the event of his failure to make such designation, the council may by resolution appoint an officer of the municipality to perform the duties of the manager during such absence or disability until he shall return or his disability shall cease.

**C. 40:69A-95 Powers and duties of manager.**

9-15. The municipal manager shall:

- (a) Be the chief executive and administrative official of the municipality;
- (b) Execute all laws and ordinances of the municipality;
- (c) Appoint and remove a deputy manager if one be authorized by the council, all department heads and all other officers, subordinates, and assistants, except a tax assessor, for whose selection or removal no other method is provided in this article, except that he may authorize the head of a department to appoint and remove subordinates in such department, supervise and control his appointees, and report all appointments or removals at the next meeting thereafter of the municipal council;
- (d) Negotiate contracts for the municipality subject to the approval of the municipal council, make recommendations concerning the nature and location of municipal improvements, and execute municipal improvements as determined by the municipal council;



(e) See that all terms and conditions imposed in favor of the municipality or its inhabitants in any statute, public utility franchise or other contract are faithfully kept and performed, and upon knowledge of any violation call the same to the attention of the municipal council;

(f) Attend all meetings of the municipal council with the right to take part in the discussions, but without the right to vote;

(g) Recommend to the municipal council for adoption such measures as he may deem necessary or expedient, 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 of his work for the benefit of the council and the public;

(h) Investigate at any time the affairs of any officer or department of the municipality;

(i) Perform such other duties as may be required of the municipal manager by ordinance or resolution of the municipal council.

The municipal manager shall be responsible to the council for carrying out all policies established by it and for the proper administration of all affairs of the municipality within the jurisdiction of the council.

**Amended P. L. 1981, c. 393.**

**C. 40:69A-96 Budget; preparation by manager.**

9-16. The municipal budget shall be prepared by the municipal manager. During the month of November in each year, the municipal manager shall require all department heads to submit requests for appropriations for the ensuing budget year, and to appear before him at public hearings, which shall be held during that month, on the various requests.

**C. 40:69A-97 Recommended budget; submission by manager; system of work programs and quarterly allotments.**

9-17. On or before the fifteenth day of January the municipal manager shall submit to council his recommended budget together with such explanatory comment or statement as he may deem desirable. The budget shall be in such form as is required by law for municipal budgets and shall in addition have appended thereto detailed analysis of the various items of expenditure and revenue.

The council shall, where practicable, provide by ordinance for the operation of a system of work programs and quarterly allotments for operation of the budget, and for development and reporting of appropriate unit costs of budgeted expenditures.

**C. 40:69A-98 Laws conferring powers upon mayor or other executive head construed as meaning municipal manager.**

9-18. Any provision of general law conferring the appointing power or other power upon the mayor or other executive head of the municipality shall be construed as meaning the municipal manager in a municipality governed under this article, and the appointments or the power exercised by the municipal manager in accordance with such provision shall be classified and given the same force and effect as if executed by the official named therein, except that members of the board of education and of the

trustees of the public library, whenever required to be appointed by any such provision by any board or official of the municipality, shall be appointed under this article by the mayor, and except that the mayor shall serve as the fifth member of the board of school estimate pursuant to N. J. S. 18A:22-1.

**Amended P. L. 1981, c. 68.**

#### ARTICLE 10

##### COUNCIL-MANAGER PLAN B

- C. 40:69A-99. Applicable laws.
- C. 40:69A-100. Government by elected council and appointed municipal manager and other officers and employees.
- C. 40:69A-101. Council members; election; term.
- C. 40:69A-102. First election of councilmen.
- Repealed P. L. 1981, c. 465.
- See Supplement.
- C. 40:69A-103. Vacancies in council.
- Repealed P. L. 1979, c. 83.
- See now N. J. S. 40A:16-5.

#### ARTICLE 11

##### COUNCIL-MANAGER PLAN C

- C. 40:69A-104. Applicable laws.
- C. 40:69A-105. Government by elected council and appointed municipal manager and other officers and employees.
- C. 40:69A-106. Wards.
- C. 40:69A-107. Council members; term; election.
- Repealed P. L. 1981, c. 465.
- See Supplement.
- C. 40:69A-108. Vacancies in council.
- Repealed P. L. 1979, c. 83.
- See now N. J. S. 40A:16-5.

#### ARTICLE 12

##### COUNCIL-MANAGER PLAN D

- C. 40:69A-109. Applicable laws.
- C. 40:69A-110. Government by elected council and appointed manager and other officers and employees.
- C. 40:69A-111. Wards.
- C. 40:69A-112. Council members; term; election.
- C. 40:69A-113. First election of councilmen.
- Repealed P. L. 1981, c. 465.
- See Supplement.
- C. 40:69A-114. Vacancies in council.
- Repealed P. L. 1979, c. 83.
- See now N. J. S. 40A:16-5.

#### ARTICLE 12A

##### COUNCIL-MANAGER PLAN E

- C. 40:69A-114.1 Municipalities under 150,000 may adopt plan.
- C. 40:69A-114.2 Council; municipal manager; officers; employees.
- C. 40:69A-114.3 Membership of council; election.
- C. 40:69A-114.4 First council; terms of members.
- Repealed P. L. 1981, c. 465.
- See Supplement.
- C. 40:69A-114.5 Vacancies.
- Repealed P. L. 1979, c. 83.
- See now N. J. S. 40A:16-5.

ARTICLE 12B  
COUNCIL-MANAGER PLAN F

- C. 40:69A-114.6 Applicable laws.
- C. 40:69A-114.7 Government by elected council and appointed manager and other officers and employees.
- C. 40:69A-114.8 Wards; number.
- C. 40:69A-114.9 Council; members.
- C. 40:69A-114.10 Councilmen; election; term of office.
- Repealed P. L. 1981, c. 465.
- See Supplement.
- C. 40:69A-114.11 Vacancies.
- Repealed P. L. 1979, c. 83.
- See now N. J. S. 40A:16-5.

ARTICLE 13.  
SMALL MUNICIPALITY PLAN

**C. 40:69A-115 Adoption by municipalities under 12,000; applicable laws.**

13-1. The form of government provided in this article shall be known as the "small municipality plan." It may be adopted by any municipality having a population of less than 12,000 inhabitants and shall, together with articles 2 and 17, govern any municipality the voters of which have adopted the plan pursuant to this act.

**Amended P. L. 1981, c. 465.**

**C. 40:69A-116 Government by elected council and mayor and appointed officers.**

13-2. Each municipality shall be governed by an elected council and a mayor and such other officers as shall be appointed pursuant to this article, general law or ordinance.

**Amended P. L. 1981, c. 465.**

**C. 40:69A-117 Council.**

13-3. The council shall consist of the mayor and two councilmen, unless pursuant to the authority granted under sections 1-13 or 1-19 of article 1 of this act, or unless provided by amendment of the charter pursuant to section 7<sup>1</sup> of this amendatory act, the municipality shall be governed by a mayor and four or six councilmen. Members of the council shall be elected at large by the voters of the municipality and shall serve for a term of 3 years.

**Amended P. L. 1981, c. 465.**

<sup>1</sup> Section 40:69A-25.1.

**C. 40:69A-117.1 Small municipality plans; members of council; election at regular municipal or general election.**

13-3.1. Any municipality adopting a small municipality plan of government shall provide in its charter that the council members shall be elected by the voters of the municipality either:

a. At a regular municipal election held on the second Tuesday in May in the years in which municipal officers are to be elected, in which case the term of office of the council members shall begin on July 1 next following their election; or,

b. At the general election held on the first Tuesday after the first Monday in November or at such other time as may be provided by law for holding general elections, in which case the term of office of the council members shall begin on January 1 next following their election.

**P. L. 1981, c. 465.**

**C. 40:69A-117.2 First members; term of office.**

13-3.2. Any municipality adopting a small municipality plan of government may provide in its charter that the council members elected at the first regular municipal election or general election, as the charter shall provide, following the adoption of the plan shall serve for the following terms: if the municipal council is to consist of three members, one shall serve for 1 year, one for 2 years and one for 3 years; if the municipal council is to consist of five members, two shall serve for 1 year, two for 2 years and one for 3 years; or, if the municipal council is to consist of seven members, three shall serve for a term of 1 year, two for a term of 2 years and two for a term of 3 years. The length of the respective term of each member of the first council shall be determined by lot at the organization of the council immediately following their election; except that if, pursuant to the charter, the mayor is elected directly by the voters, the mayor shall, for the purposes of this section, be counted among those first councilmen to serve a 4 year term.

**P. L. 1981, c. 465.**

**C. 40:69A-117.3 Mayor; election by council or by voters; charter provision.**

13-3.3. Any municipality adopting a small municipality plan of government shall provide in its charter either:

a. That the mayor shall be elected by the members of the council; in which case on the first day of July or January, as appropriate, following their election, the members elect of the municipal council shall assemble at the usual place of meeting of the governing body of the municipality and organize and elect one of their number as mayor; that the mayor shall be chosen by ballot by majority vote of members of the municipal council; that if the members shall be unable, within five ballots to be taken within 2 days of the organization meeting, to elect a mayor, then the member who in the election for members of the municipal council received the greatest number of votes shall be mayor; and that should that person decline to accept the office, then the person receiving the next highest vote shall be the mayor, and so on, until the office is filled; or,

b. That the mayor shall be elected directly by the voters of the municipality at the regular municipal election, or general election, as the charter shall provide; that at the first election following the adoption of the charter, and each appropriate subsequent election, one position of council member to be elected at large shall be designated and voted for under the title of mayor, and candidates for the position shall be clearly designated as candidates for mayor in their respective nominating petitions; and that the

candidate for mayor receiving the greatest number of votes shall be elected and shall serve for a term of 4 years.

**P. L. 1981, c. 465.**

C. 40:69A-118. Election of mayor and council.

Repealed P. L. 1981, c. 465.

See Supplement.

C. 40:69A-119. Vacancies.

Repealed P. L. 1979, c. 83.

See now N. J. S. 40A:16-5.

**C. 40:69A-120 Legislative powers; quorum; mayor's duties; president of council.**

13-6. The legislative power of the municipality shall be exercised by the council, except as may be otherwise provided by general law. The mayor shall participate and vote as other council members. A majority of the whole number of the governing body shall constitute a quorum for the transaction of business but a smaller number may meet and adjourn from time to time. The mayor shall preside over all meetings of the council. The council shall select from among its members a president of the council who shall serve in place of the mayor in the event of his absence, disability or refusal to act.

**C. 40:69A-121 Executive powers; mayor's duties.**

13-7. The executive power of the municipality shall be exercised by the mayor. It shall be his duty to see that all laws and ordinances in force and effect within the municipality are observed. He shall address the council and report to the residents annually, and at such other times as he may deem desirable, on the condition of the municipality and upon its problems of government.

**C. 40:69A-122 Assessor; tax collector; attorney; clerk; treasurer; other officers; appointment.**

13-8. An assessor, a tax collector, an attorney, a clerk, a treasurer and such other officers as may be provided by ordinance shall be appointed by the mayor with the advice and consent of the council. One person may be appointed to two or more such offices, except that one person shall not be the assessor and treasurer, or assessor and collector.

**C. 40:69A-123 Finance committee and other committees of council.**

13-9. The mayor shall also appoint a finance committee of council, which may consist of one or more councilmen, and may appoint and designate other committees of council of similar composition.

**C. 40:69A-124 Appointment of officers and employees by mayor.**

13-10. All officers and employees whose appointment or election is not otherwise provided for in this article or by general law shall be appointed by the mayor. If the municipality has not adopted the provisions of Title 11 of the Revised Statutes (Civil Service), it shall be the duty of the mayor to recruit, select and appoint persons qualified by training and experience for their respective offices, positions and employments.

**C. 40:69A-125 Residence in municipality not required.**

13-11. Appointive officers and employees need not be residents of the municipality unless council shall so require.

**C. 40:69A-126 Municipal clerk.**

13-12. A municipal clerk shall be appointed by the mayor with the advice and consent of council. The municipal clerk shall be qualified by previous training or experience to perform the duties of his office. He shall serve at the pleasure of the council, except as otherwise provided by this act.

**C. 40:69A-127 Duties of municipal clerk.**

13-13. The municipal clerk shall serve as clerk of the council, perform such functions as may be required by law of municipal clerks generally, have such other powers and duties as council may prescribe. He shall maintain the records and minutes of the governing body.

**C. 40:69A-128 Annual budget.**

13-14. The mayor shall prepare the annual budget with the assistance of the treasurer and the co-operation of the other members of the council.

**C. 40:69A-129 Treasurer's duties.**

13-15. The treasurer shall be the chief financial officer of the municipality and shall keep and maintain books and records of all financial transactions of the municipality in accordance with the standards and requirements of the State Division of Local Government. The treasurer shall have custody of all public moneys of the municipality. He shall make monthly reports to council of all receipts, expenditures, commitments and unencumbered appropriation balances.

**C. 40:69A-130 Disbursement of municipal funds.**

13-16. No municipal funds shall be disbursed except pursuant to and within the limits of appropriations made in accordance with law. All disbursements shall be by bank check or draft signed by the mayor and countersigned by the treasurer, upon warrant of the chairman of the finance committee of council approved by council.

**C. 40:69A-131 Tax collector; duties.**

13-17. The municipal tax collector shall receive and collect all moneys assessed or raised by taxation or assessment for any purpose. The collector shall enter in suitable books or other records to be kept by him the sums received each day together with the account to which each receipt is credited. Within forty-eight hours after the receipt of any moneys of the municipality, or on the first banking day thereafter, the collector shall deposit such moneys in the authorized public depository of the municipality to the credit of the appropriate account. He shall report to council at least once each month at the same time as the treasurer is required to report, all receipts and deposits and cash on hand belonging to the municipality. Within sixty days after the end of the fiscal year, and at such other times as may be required by council, the collector shall make and furnish a detailed and true list of all delinquent taxpayers for the next preceding year or for such period as council may require.

**C. 40:69A-132 Bond of treasurer and collector.**

13-18. The treasurer and the collector shall each give bond, at the expense of the municipality, in accordance with general law.

ARTICLE 14

SMALL MUNICIPALITY PLAN B

- C. 40:69A-133. Adoption by municipalities under 12,000; applicable laws.  
C. 40:69A-134. Government by elected council and mayor elected by and from council and by appointed officers.  
C. 40:69A-135. Council; term.  
C. 40:69A-136. Election of council members.  
Repealed P. L. 1981, c. 465.  
See Supplement.  
C. 40:69A-137. Vacancies.  
Repealed P. L. 1979, c. 83.  
See now N. J. S. 40A:16-5.  
C. 40:69A-138. Organization of council; choosing of mayor.  
Repealed P. L. 1981, c. 465.  
See Supplement.

ARTICLE 15

SMALL MUNICIPALITY PLAN C

- C. 40:69A-139. Adoption by municipalities under 12,000; applicable laws.  
C. 40:69A-140. Government by elected mayor and councilmen and appointed officers.  
C. 40:69A-141. Council; election; term.  
C. 40:69A-142. First election.  
C. 40:69A-143. Election of mayor and councilmen; vacancies in council.  
Repealed P. L. 1981, c. 465.  
See Supplement.

ARTICLE 16

SMALL MUNICIPALITY PLAN D

- C. 40:69A-144. Adoption by municipalities under 12,000; applicable laws.  
C. 40:69A-145. Government by elected council, a mayor elected from and by council and by appointed officers.  
C. 40:69A-146. Council members; election; term.  
C. 40:69A-147. First election.  
C. 40:69A-148. Election of council members; vacancies.  
C. 40:69A-149. Organization of council; choosing a mayor.  
Repealed P. L. 1981, c. 465.  
See Supplement.

ARTICLE 16A

MAYOR-COUNCIL-ADMINISTRATOR PLAN

**C. 40:69A-149.1 Adoption by voters; applicable laws.**

16A-1. The form of government provided in this article shall be known as the "mayor-council-administrator plan," and shall, together with articles 2 and 17, govern any municipality the voters of which have adopted it pursuant to law.

**P. L. 1981, c. 465.**

**C. 40:69A-149.2 Government by elected mayor and council, and appointed municipal administrator, and other officers and employees.**

16A-2. Each municipality hereunder shall be governed by an elected mayor and council, and an appointed municipal administrator, and by such other officers and employees as may be duly appointed pursuant to this article, general law or ordinance.

**P. L. 1981, c. 465.**

**C. 40:69A-149.3 Council; composition; mayor and councilmen; election; terms of office.**

16A-3. The council shall consist of the mayor and six councilmen. The mayor and council shall be elected at the general election to be held on the first Tuesday after the first Monday in November. Except as otherwise provided in this article for councilmen first elected, the mayor shall serve for a term of 4 years and the councilmen for a term of 3 years, beginning on January 1 next following their election.

**P. L. 1981, c. 465.**

**C. 40:69A-149.4 Election at large; terms of office at first election.**

16A-4. The mayor and councilmen shall be elected at large by the voters of the municipality. At the first election following the adoption by a municipality of this section, of the six councilmen to be elected, two shall serve for a term of 3 years, two shall serve for a term of 2 years, and two shall serve for a term of 1 year.

**P. L. 1981, c. 465.**

**C. 40:69A-149.5 Council; legislative power; status of mayor; quorum; president; special meetings.**

16A-5. The legislative power of the municipality shall be exercised by the council, except as may be otherwise provided by general law. The mayor shall preside over all meetings of the council except as herein provided, but shall not vote except to give the deciding vote in case of a tie. Three councilmen and the mayor, and in the absence of the mayor, four councilmen shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time. The council shall annually select from among the councilmen, a president of the council who shall serve in place of the mayor in the event of his absence, disability or refusal to preside. The mayor shall, when necessary, call special meetings of the council. In case of his neglect or refusal, any four councilmen may call a special meeting upon due notice of the time and place to the mayor and all councilmen.

**P. L. 1981, c. 465.**

**C. 40:69A-149.6 Mayor; powers and duties.**

16A-6. The executive power of the municipality shall be exercised by the mayor. He shall enforce the charter and ordinances of the municipality and all general laws applicable thereto, and shall recommend such actions to the council as he may deem in the public interest.

**P. L. 1981, c. 465.**

**C. 40:69A-149.7 Ordinances; approval by mayor.**

16A-7. Each ordinance adopted by the council shall be submitted to the mayor, and he shall within 10 days after receiving it either approve the ordinance by affixing his signature thereto or return it to the council by delivering it to the municipal clerk, together with a written statement of his objections thereto or to any item or part thereof. No ordinance, or any item or part thereof, shall take effect without the mayor's approval unless the mayor fails to return an ordinance to the council within 10 days after it has been presented to him, or unless the council, upon reconsideration



thereof on or after the third day following its return by the mayor, shall resolve to override the mayor's veto by a vote of at least  $\frac{2}{3}$  of the members.  
**P. L. 1981, c. 465.**

**C. 40:69A-149.8 Officers; annual appointment by mayor.**

16A-8. The mayor shall nominate, and with the advice and consent of the council appoint, a municipal administrator, an assessor, a tax collector, an attorney, a clerk, a treasurer and such other officers as may be provided by ordinance. Except where otherwise prohibited by general law, one person may be appointed to two or more such offices, except that one person shall not be simultaneously the assessor and treasurer, or assessor and collector. All such officers shall be annually appointed unless another term is provided by this article or by general law.

**P. L. 1981, c. 465.**

**C. 40:69A-149.9 Municipal administrator; powers and duties; compensation; term of office.**

16A-9. The municipal administrator shall administer the business affairs of the municipality and shall, as provided by ordinance, have such powers and perform such duties which are not required by this article or general law to be exercised by the mayor, council or other officer, board or body. The administrator shall receive such compensation as may be provided by ordinance. The municipal administrator shall serve at the pleasure of the council, but may be removed only by a vote of at least  $\frac{2}{3}$  of the members of the council. The resolution of removal shall become effective 3 months after its adoption. The council may provide that the resolution shall have immediate effect, but in that case the council shall cause to be paid to the administrator forthwith any unpaid balance of his salary and his salary for the next 3 calendar months following adoption of the resolution unless he is removed for good cause. For the purposes of this section, "good cause" shall mean conviction of a crime or offense involving moral turpitude, the violation of the provisions of sections 17-14, 17-15, 17-16, 17-17 or 17-18 of P. L. 1950, c. 210 (C. 40:69A-163 through 40:69A-167), or the violation of any code of ethics in effect within the municipality.

**P. L. 1981, c. 465.**

**C. 40:69A-149.10 Officers and employees; appointment and recruitment by mayor.**

16A-10. All officers and employees whose appointment or election is not otherwise provided for in this article or by general law shall be appointed by the mayor. If the municipality has not adopted the provisions of Title 11 of the Revised Statutes, it shall be the duty of the mayor to recruit, select and appoint persons qualified by training and experience for their respective offices, positions and employments.

**P. L. 1981, c. 465.**

**C. 40:69A-149.11 Clerk.**

16A-11. The municipal clerk shall serve as clerk of the council, perform such functions as may be required by law of municipal clerks generally, and have such other powers and duties as the council may prescribe. He shall maintain the records and minutes of the governing body. The municipal

clerk shall be qualified by previous training or experience to perform the duties of his office. He shall serve for such term as is generally provided by law.

**P. L. 1981, c. 465.**

**C. 40:69A-149.12 Annual budget; preparation.**

16A-12. The council shall prepare the annual budget with the assistance of the municipal administrator and the treasurer.

**P. L. 1981, c. 465.**

**C. 40:69A-149.13 Treasurer.**

16A-13. The treasurer shall be the chief financial officer of the municipality and shall keep and maintain books and records of all financial transactions of the municipality in accordance with the standards and requirements of the Division of Local Government Services in the Department of Community Affairs. The treasurer shall have custody of all public moneys of the municipality. He shall make monthly reports to the council of all receipts, expenditures, commitments and unencumbered appropriation balances.

**P. L. 1981, c. 465.**

**C. 40:69A-149.14 Municipal funds; disbursement.**

16A-14. No municipal funds shall be disbursed except pursuant to and within the limits of appropriations made in accordance with law. All disbursements shall be by bank check or draft signed by the mayor and countersigned by the treasurer, upon warrant of the council.

**P. L. 1981, c. 465.**

**C. 40:69A-149.15 Tax Collector.**

16A-15. The municipal tax collector shall receive and collect all moneys assessed or raised by taxation or assessment for any purpose. The collector shall enter in suitable books or other records to be kept by him the sums received each day together with the account to which each receipt is credited. Within 48 hours after the receipt of any moneys of the municipality, or on the first banking day thereafter, the collector shall deposit such moneys in the authorized public depository of the municipality to the credit of the appropriate account. He shall report to the council at least once each month at the same time as the treasurer is required to report, all receipts and deposits and cash on hand belonging to the municipality. Within 60 days after the end of the fiscal year, and at such other times as may be required by the council, the collector shall make and furnish a detailed and true list of all delinquent taxpayers for the next preceding year or for such period as the council may require.

**P. L. 1981, c. 465.**

**C. 40:69A-149.16 Bond; Treasurer and Collector.**

16A-16. The treasurer and the collector shall each give bond, at the expense of the municipality, in accordance with general law.

**P. L. 1981, c. 465.**

## ARTICLE 17

### ADDITIONAL PROVISIONS TO OPTIONAL PLANS

#### A. *Elections in General*

##### **C. 40:69A-150 Municipal elections; time.**

17-1. Regular municipal elections shall be held in each municipality on the second Tuesday in May in the years in which municipal officers are to be elected, where the election of such officers is not provided to be at the general election. Regular municipal elections shall be conducted pursuant to the "Uniform Nonpartisan Elections Law," P. L. 1981, c. 379 (C. 40:45-5 to 21).

**Amended P. L. 1981, c. 379.**

C. 40:69A-151. Place of election; hours; election officers.  
Repealed P. L. 1981, c. 379.  
See Appendix.

##### **C. 40:69A-152 Terms of municipal officers.**

17-3. Every municipal officer elected under any of the plans provided in this act shall serve for the term of office specified in the plan and until his successor is elected and qualified.

#### B. *Regular Municipal Elections*

- C. 40:69A-153. Filing of names of candidates; petition of nomination.
- C. 40:69A-154. Certificates; examination of petition of nomination; amendment.
- C. 40:69A-155. Designation on ballot of official act or policy to which committed; grouping of names.
- C. 40:69A-156. Order of appearance of names on ballots; drawing lots.
- C. 40:69A-157. Publication of names of candidates in newspapers.
- C. 40:69A-158. Identification of candidates bearing same name.
- C. 40:69A-159. Printing of ballots; authentication.
- C. 40:69A-159.1 Counting of ballots by district boards; returns; canvass.
- C. 40:69A-160. Candidates elected in municipalities adopting articles 4 or 5, or 9-12.
- C. 40:69A-161. Run-off election.

Repealed P. L. 1981, c. 379.

See Appendix.

- C. 40:69A-161.1 Candidates elected in municipalities adopting Mayor-Council plan A or Mayor-Council plan D.

Repealed P. L. 1980, c. 75.

See now C. 40:69A-160.

- C. 40:69A-162. Candidates elected in municipalities adopting articles 13 or 14.

Repealed P. L. 1981, c. 379.

See Appendix.

#### C. *Officers and Employees*

##### **C. 40:69A-163 Interest in contracts or jobs forbidden.**

17-14. No officer or employee elected or appointed in any municipality shall be interested directly or indirectly in any contract or job for work or materials, or the profits thereof, to be furnished or performed for the municipality, and no such officer or employee shall be interested directly or indirectly in any contract or job for work or materials or the profits thereof, to be furnished or performed, for any person operating any

interurban railway, street railway, gas works, waterworks, electric light or power plant, heating plant, telegraph line, telephone exchange, or other public utility within the territorial limits of such municipality.

**C. 40:69A-164 Franks, free passes, tickets or services; acceptance forbidden.**

17-15. No officer or employee shall accept or receive, directly or indirectly, from any person operating within the territorial limits of a municipality, any interurban railway, street railway, gas works, waterworks, electric light or power plant, heating plant, telegraph line, telephone exchange or other business using or operating under a public franchise, any frank, free pass, free ticket or free service, or accept or receive, directly or indirectly, from any person, any other service upon terms more favorable than is granted to the public generally, except that such prohibition of free transportation shall not apply to policemen or firemen in uniform. Nor shall any free service to the municipal officials heretofore provided by any franchise or ordinance be affected by this section.

**C. 40:69A-165 Promise of office, position, employment or benefits forbidden.**

17-16. No candidate for office, appointment or employment, and no officer, appointee, or employee in any municipality shall directly or indirectly give or promise any person any office, position, employment, benefit or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person, under the penalty of being disqualified to hold the office or employment to which he may be or may have been elected or appointed.

**C. 40:69A-166 Persons convicted of offenses; violations of sections 40:69A-163 through 40:69A-165.**

17-17. Any person convicted of a crime or offense involving moral turpitude shall be ineligible to assume any municipal office, position or employment in a municipality governed pursuant to this act, and upon conviction thereof while in office shall forfeit his office; provided, however, any person convicted of such an offense who has achieved a degree of rehabilitation which in the opinion of the appointing authority and the Civil Service Commission, as to employment subject to the Civil Service law, indicates his employment would not be compatible with the welfare of society and the aims and objectives of the governmental agency, may be considered eligible to apply for employment or be continued in employment. Any person who shall violate any of the provisions of sections 17-14, 17-15, or 17-16 of this article shall upon conviction thereof in a court of competent jurisdiction forfeit his office.

**Amended P. L. 1970, c. 82.**

**C. 40:69A-167 Failure to appear or testify before court, legislative committee or governor.**

17-18. If any person hereafter elected or appointed to any office or position in a municipality governed under this act shall, after lawful notice or process, willfully refuse or fail to appear before any court, any legislative committee, or the Governor, or having appeared shall refuse to testify or to answer any questions regarding the property, government or affairs of the

municipality, or regarding his nomination, election, appointment or official conduct on the ground that his answer would tend to incriminate him, or shall refuse to waive immunity from prosecution on account of any such matter in relation to which he may be asked to testify, may be removed from office by the governing body of the municipality in its discretion. Any person removed from office pursuant to this section shall not thereafter be eligible for election or appointment to any office or employment in such municipality.

C. 40:69A-167.1. Registration and residence requirements; elected officers; ward officers. Repealed P. L. 1980, c. 94.  
See now N. J. S. 40A:9-1.11 et seq.

#### *D. Recall*

**C. 40:69A-168 Elective officers; removal by recall petition and vote.**

17-19. Any elective officer shall be subject to removal from office for cause connected with his office, after he has 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.

**C. 40:69A-169 Recall petition.**

17-20. 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%) of the registered voters of the municipality, and shall be filed with the municipal clerk. It shall set forth a statement of the cause upon which the removal is sought.

**C. 40:69A-170 Signatures to recall petition.**

17-21. The signatures to a recall petition need not all be appended to one paper but each signer shall add to his signature his 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 believes and 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 municipal clerk shall complete its examination and ascertain whether or not such petition is signed by the requisite number of qualified voters, and shall attach to the petition his certificate showing the result of his 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 municipal 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.

**C. 40:69A-171 Notice to officers; recall election; notice of filing of petition.**

17-22. If the petition shall be sufficient the municipal clerk shall within two days notify the mayor, councilman or councilmen whose recall is sought thereby. If such notice cannot be served personally upon the mayor, councilman or councilmen affected, 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 municipal clerk the mayor, councilman or councilmen sought to be recalled by such petition do not resign, or having tendered their resignation it shall not have been accepted by the municipal council, the municipal 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 municipal clerk and he shall also insert the notice forthwith in a newspaper published in the municipality, or if there be no such newspaper, then in a newspaper having general circulation in such municipality.

**C. 40:69A-172 Ballots.**

17-23. The ballots at the recall election shall conform to the requirements respecting the election of municipal officers in the municipality, as provided in this article or in Title 19 of the Revised Statutes (Elections), whichever shall apply in the municipality in accordance with the provisions of this act, 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 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."

**C. 40:69A-173 Removal of more than one officer.**

17-24. 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 the order of the filing of the petition with the municipal clerk.

**C. 40:69A-174 Election of successor; use of recall ballot.**

17-25. 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 is recalled." The names of all persons nominated as successors shall be placed upon the ballot in the same manner provided for other elections of municipal officers in the municipality.

**C. 40:69A-175 Laws governing recall elections; selection of candidate for successor of recalled incumbent.**

17-26. The provisions of this article or of Title 19 of the Revised Statutes (Elections), whichever shall apply in the municipality in accordance with the provisions of this act, concerning the nomination of municipal officers, preparation of the ballot, election of municipal 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. Where the plan of government in effect in the municipality provides for partisan elections, the county committee of each political party shall be authorized to select a candidate for successor of a recalled incumbent in the same manner as provided by Title 19 of the Revised Statutes for nominations to fill a vacancy after the last day for filing petitions for nominations in the primary elections.

**C. 40:69A-176 Publication of notices of arrangements for recall elections; conduct.**

17-27. The municipal 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 municipal officers in the municipality.

**C. 40:69A-177 Results of election.**

17-28. (a) If a majority of votes in connection with the recall of any officer 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 municipal clerk.

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

**C. 40:69A-178 Successor where incumbent resigns or is recalled.**

17-29. If the office of the incumbent shall become vacant either by his resignation or by the result of the recall election, his 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.

*E. Local Legislation*

**C. 40:69A-179 Meetings of council; journal.**

17-30. The council shall by ordinance or resolution designate the time of holding regular meetings, which shall be at least monthly. The mayor may, and upon written request of a majority of the members of the council, shall, call a special meeting of the council. In the call he shall designate

the purpose of the special meeting and no other business shall be considered. All meetings of the council shall be open to the public. The municipal clerk shall keep a journal of its proceedings and record the minutes of every meeting.

**C. 40:69A-180 Rules of procedure; quorum; ordinances and resolutions; presiding officer; compensation.**

17-31. (a) Council shall determine its own rules of procedure, not inconsistent with ordinance or statute. A majority of the whole number of members of the council shall constitute a quorum, but no ordinance shall be adopted by the council without the affirmative vote of a majority of all the members of the council.

(b) Each ordinance or resolution shall be introduced in written or typewritten form and shall be read and considered as provided by general law. The vote upon every motion, resolution or 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 municipal clerk.

(c) The council at its organization meeting shall elect a president of the council from among the members thereof and he shall preside at its meetings and perform such other duties as the council may prescribe. In the absence of the president, the council shall elect a temporary presiding officer. The compensation of the mayor, councilmen and department heads shall be fixed by the council immediately after its organization.

**Amended P. L. 1954, c. 69.**

**C. 40:69A-181 Adoption and publication of ordinances; effective date.**

17-32. (a) Except as may otherwise be provided in this act, all ordinances shall be adopted and published in the manner required by general law; provided, however, that any ordinance may incorporate by reference any standard technical regulations or code, official or unofficial, which need not be so published whenever ten copies of said regulations or code have been placed on file in the office of the municipal clerk and in the office of the body or department charged with the enforcement of said ordinance for the examination of the public so long as said ordinance is in effect.

(b) No ordinance other than the local budget ordinance shall take effect less than twenty days after its final passage by council and approval by the mayor where such approval is required, unless the council shall adopt a resolution declaring an emergency and at least two-thirds of all the members of the council vote in favor of such resolution.

**C. 40:69A-182 Recording of ordinances and resolutions.**

17-33. The municipal clerk shall record all ordinances and resolutions adopted by council and at the close of each year, with the advice and assistance of the municipal attorney, shall bind, compile or codify all the ordinances and resolutions, or true copies thereof, of the municipality which then remain in force and effect. He shall also properly index the record books, compilation or codification of ordinances and resolutions.



**C. 40:69A-183 Rules and regulations, filing, publishing.**

17-34. No rule or regulation made by any department, officer, agency or authority of the municipality, except such as relates to the organization or internal management of the municipal government or a part thereof, shall take effect until it is filed either with the municipal clerk or in such other manner as may be provided by ordinance. The council shall provide for the prompt publication of such rules and regulations.

*F. Initiative and Referendum*

**C. 40:69A-184 Petitions; percentage of registered voters required.**

17-35. The voters of any municipality may propose any ordinance and may adopt or reject the same at the polls, such power being known as the initiative. Any initiated ordinance may be submitted to the municipal council by a petition signed (a) in the case of municipalities of 70,000 or less inhabitants, by twenty-five per centum (25%) of the registered voters of the municipality, and (b) in the case of municipalities of more than 70,000 inhabitants, by fifteen per centum (15%) of the registered voters of the municipality; except that in the case of municipalities in counties of the first class having a population in excess of 800,000, any such initiated ordinance may be submitted to the municipal council by a petition signed by voters of the municipality, equal to, or in excess of, in numbers, fifteen per centum (15%) of the valid votes cast in the municipality at the last preceding election for members of the General Assembly.

**Amended P. L. 1951, c. 306.**

**C. 40:69A-185 Power of referendum; time for filing petition.**

17-36. The voters shall also have the power of referendum which is the power to approve or reject at the polls any ordinance submitted by the council to the voters or any ordinance passed by the council, against which a referendum petition has been filed as herein provided. No ordinance passed by the municipal council, except when otherwise required by general law or permitted by the provisions of section 17-32(b) of this act, shall take effect before twenty days from the time of its final passage and its approval by the mayor where such approval is required. If within twenty days after such final passage and approval of such ordinance a petition protesting against the passage of such ordinance shall be filed with the municipal clerk and if the petition shall be signed in the case of municipalities of 70,000 or less inhabitants by twenty-five per centum (25%) of the registered voters of the municipality and in the case of municipalities of more than 70,000 inhabitants, by fifteen per centum (15%) of the registered voters of the municipality, or in the case of municipalities in counties of the first class having a population in excess of 800,000, by voters of the municipality, equal to, or in excess of, in numbers fifteen per centum (15%) of the valid votes cast in the municipality at the last preceding election for members of the General Assembly, the ordinance shall be suspended from taking effect until proceedings are had as herein provided.

The provisions of this section shall not apply to any ordinance which by its terms or by law cannot become effective in the municipality unless submitted to the voters, or which by its terms authorizes a referendum in the municipality concerning the subject matter thereof.

**Amended P. L. 1979, c. 278.**

**C. 40:69A-186 Petition papers; affidavits.**

17-37. All petition papers circulated for the purposes of an initiative or referendum shall be uniform in size and style. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any such petition paper shall sign his name in ink or indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition paper the names and addresses of five voters, designated as the Committee of the Petitioners, who shall be regarded as responsible for the circulation and filing of the petition and for its possible withdrawal as hereinafter provided. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that he, and he only, personally circulated the foregoing paper, that all the signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

**C. 40:69A-187 Filing of petition papers; examination; certification of result.**

17-38. All petition papers comprising an initiative or referendum petition shall be assembled and filed with the municipal clerk as one instrument. Within twenty days after a petition is filed, the municipal clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters. After completing his examination of the petition, the municipal clerk shall certify the result thereof to the council at its next regular meeting. If he shall certify that the petition is insufficient he shall set forth in his certificate the particulars in which it is defective and shall at once notify at least two members of the committee of the Petitioners of his findings.

**C. 40:69A-188 Amendment of initiative or referendum petition.**

17-39. An initiative or referendum petition may be amended at any time within ten days after the notification of insufficiency has been served by the municipal clerk, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The municipal clerk shall, within five days after such an amendment is filed, examine the amended petition and, if the petition be still insufficient, he shall file his certificate of the effect in his office and notify the Committee of the Petitioners of his findings and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

**C. 40:69A-189 Suspension of ordinance.**

17-40. Upon the filing of a referendum petition with the municipal clerk, the ordinance shall be suspended until ten days following a finding by the municipal clerk that the petition is insufficient or, if an amended petition be filed, until five days thereafter or, if the petition or amended petition be found to be sufficient, until it be withdrawn by the Committee of the Petitioners or until repeal of the ordinance by vote of the council or approval or disapproval of the ordinance by the voters.

**C. 40:69A-190 Submission to municipal council.**

17-41. Upon a finding by the municipal clerk that any petition or amended petition filed with him in accordance with this act is sufficient, the clerk shall submit the same to the municipal council without delay. An initiative ordinance so submitted shall be deemed to have had first reading and provision shall be made for a public hearing.

**C. 40:69A-191 Submission of ordinance to voters; withdrawal of petition.**

17-42. If within sixty days of the submission of a certified petition by the municipal clerk the council shall fail to pass an ordinance requested by an initiative petition in substantially the form requested or to repeal an ordinance as requested by a referendum petition, the municipal clerk shall submit the ordinance to the voters unless, within ten days after final adverse action by the council or after the expiration of the time allowed for such action, as the case may be, a paper signed by at least four of the five members of the Committee of the Petitioners shall be filed with the municipal clerk requesting that the petition be withdrawn. Upon the filing of such a request, the original petition shall cease to have any force or effect.

**C. 40:69A-192 Referendum election.**

17-43. Any ordinance to be voted on by the voters in accordance with section 17-36 or section 17-42 of this article shall be submitted at the next general or regular municipal election occurring not less than sixty days after the date of final action by council or the expiration of the time allowed for action by council in section 17-42 of this article, as the case may be, provided that if no such election is to be held within ninety days the council may in its discretion provide for a special election.

**C. 40:69A-193 Number of proposed ordinances voted upon; time between special elections.**

17-44. Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this article, but there shall not be more than one special election in any period of six months for such purpose.

**C. 40:69A-194 Publication of ordinance.**

17-45. Whenever an ordinance is to be submitted to the voters of the municipality at any election in accordance with this article, the clerk shall cause the ordinance to be published in at least two of the newspapers published or circulated in the municipality. The publication shall be not more than twenty nor less than five days before the submission of the ordinance or proposition to be voted on.

**C. 40:69A-195 Ballots.**

17-46. The ballots to be used at such election shall be in substantially the following form:

"To vote upon the public question printed below, if in favor thereof mark a cross (X) or plus (+) or check (✓) in the square at the left of the word Yes, and if opposed thereto mark a cross (X) or plus (+) or a check (✓) in the square to the left of the word No."

	Yes.	"Shall the ordinance (indicate whether submitted by council or initiative or referendum petition) providing for (here state nature of proposed ordinance or proposition) be adopted?"
	No.	

**C. 40:69A-196 Results of election; conflicting measures.**

17-47. If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the municipality and be published as in the case of other ordinances. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the greatest affirmative vote shall control.

*G. Wards*

- C. 40:69A-197. Municipality adopting articles 5, 6, 8, 11 or 12; division into wards.
  - C. 40:69A-198. Ward commissioners.
  - C. 40:69A-199. Meeting of ward commissioners; division into wards.
  - C. 40:69A-199.1 Surveyors or engineers; assistance in fixing ward boundaries.
  - C. 40:69A-199.2 Ward commissioner; compensation; reimbursement for expenses.
  - C. 40:69A-200. Boundaries of wards; population difference.
  - C. 40:69A-201. Report and certificate; map.
  - C. 40:69A-202. Notice of ward boundaries; publication.
  - C. 40:69A-203. Adjustments in ward boundaries following census.
  - C. 40:69A-204. Officers of existing wards.
- Repealed P. L. 1981, c. 496.  
See Appendix.

*H. Succession in Government*

**C. 40:69A-205 Schedule of installation of optional plan adopted.**

17-56. The schedule of installation of an optional plan adopted pursuant to this act shall, as provided herein, take the following course:

(a) An election to submit the question of adoption of an optional plan may be held at any time in accordance with the provisions of article 1 of this act;

(b) In the event of a favorable vote of the voters at the above election, the first election of officers under the adopted plan shall take place on (1) the second Tuesday in May occurring not less than 75 days next following

the adoption of one of the optional plans in municipalities adopting a charter providing for the holding of regular municipal elections at which all members of the council are to be elected at large; (2) the second Tuesday in May occurring not less than 120 days following the adoption of one of the optional plans in municipalities adopting a charter providing for the holding of regular municipal elections and for the division of the municipality into wards; (3) at the next general election occurring not less than 75 days next following the adoption of one of the optional plans in municipalities adopting a charter providing for the holding of general elections at which all members of the council are to be elected at large; or (4) at the next general election occurring not less than 120 days next following the adoption of one of the optional plans in municipalities adopting a charter providing for the holding of general elections and for the division of the municipality into wards.

Whenever a municipality has adopted a charter referred to in subsection (3) above, within 10 days, or subsection (4) within 40 days, prior to the last day fixed for the filing of nominating petitions for the primary election, the candidates to be first elected shall be nominated in the manner provided by chapter 27 of Title 19 of the Revised Statutes with respect to the filling of certain vacancies in nominations for county or municipal offices to be filled at the general election.

(c) An optional plan shall take effect, in accordance with the further provisions of this article at (1) 12 o'clock noon on July 1 next following the first election of officers in municipalities adopting a charter providing for the holding of regular municipal elections, or (2) 12 o'clock noon on January 1 next following the first election of officers in municipalities adopting a charter providing for the holding of general elections.

**Amended P. L. 1981, c. 465.**

**C. 40:69A-206 Charters, amendments and supplements superseded; existing ordinances and resolutions remain in force where not inconsistent.**

17-57. Upon the effective date of an optional charter adopted pursuant to this act, any other charter and its amendments and supplements theretofore applicable to the municipality shall be superseded with respect to such municipality. All ordinances and resolutions of the municipality to the extent that they are not inconsistent with the provisions of this act shall remain in full force and effect until modified or repealed as provided by law.

**C. 40:69A-207 Existing offices abolished on effective date of optional plan; exceptions.**

17-58. At 12 o'clock noon on the effective date of an optional plan adopted pursuant to this act, all offices then existing in such municipality shall be abolished and the terms of all elected and appointed officers shall immediately cease and determine; provided, that nothing in this section shall be construed to abolish the office or terminate the term of office of any member of the board of education, board of fire commissioners of a township fire district, trustees of the free public library, commissioners of a local housing authority, board of managers of a municipal hospital, municipal

magistrates or of any official or employee now protected by any tenure of office law, or of any policeman, fireman, teacher, principal or school superintendent whether or not protected by a tenure of office law. If the municipality is operating under the provisions of Title 11 of the Revised Statutes (Civil Service) at the time of the adoption of an optional plan under this act, nothing herein contained shall affect the tenure of office of any person holding any position or office coming within the provisions of said Title 11 as it applies to said officers and employees. If the municipal clerk has, prior to the effective date of the optional plan, acquired a protected tenure of office pursuant to law, he shall become the first municipal clerk under the optional plan.

Provision for officers and for the organization and administration of the municipal government under the optional plan may be made by resolution pending the adoption of ordinances, but any such resolution shall expire not later than 30 days after the effective date of the optional plan.

**Amended P. L. 1971, c. 268.**

**C. 40:69A-207.1 Local industrial commissions; continuance or reestablishment.**

17-58.1. The governing body of any municipality governed by a form of government authorized by the "Optional Municipal Charter Law" may by ordinance provide for the continuance or reestablishment, as the case may be, of any local industrial commission which was established in said municipality pursuant to P. L. 1962, c. 96 (C. 40:106-1(123) to 40:106-1(132)) and which commission was performing its functions, powers and duties under said law immediately prior to the adoption by the municipality of its form of government under the Optional Municipal Charter Law.

**P. L. 1972, c. 170.**

**C. 40:69A-208 Appointments between election and time of taking office under optional plan pending actions and proceedings.**

17-59. (a) No subordinate board, department, body, office, position or employment shall be created and no appointments shall be made to any subordinate board, department or body, or to any office, employment or position, including without limitation patrolmen and firemen, between the date of election of officers and the date the newly elected officers take office under any optional plan.

(b) All actions and proceedings of a legislative, executive or judicial character which are pending upon the effective date of an optional plan adopted pursuant to this act may continue, and the appropriate officer or employee under such optional plan shall be substituted for the officer or employee theretofore exercising or discharging the function, power or duty involved in such action or proceeding.

**Amended P. L. 1954, c. 69.**

**C. 40:69A-208.1 Continuance of charter adopted prior to Jan. 9, 1982 of municipality with Mayor-Council plan.**

17-59.1. Any municipality having adopted, prior to the effective date of this amendatory and supplementary act, a charter encompassing a mayor-council plan of government heretofore authorized pursuant to P. L.

1950, c. 210 shall continue to be governed, after the effective date of this act, by the charter and plan of government so adopted, until such time as the charter is abandoned or altered pursuant to article 1 of that act (C. 40:69A-1 through 40:69A-25), or amended pursuant to section 7<sup>1</sup> of this amendatory and supplementary act. During such time as the municipality shall continue to be governed by that charter, any provisions of, or supplements to, P. L. 1950, c. 210 enacted or amended after the effective date of this amendatory and supplementary act, which would have pertained to that charter if the provisions of this amendatory and supplementary act had not been enacted, shall pertain to that charter and govern that municipality.

**P. L. 1981, c. 465.**

<sup>1</sup> Section 40:69A-25.1.

**C. 40:69A-208.2 Continuance of charter adopted prior to Jan. 9, 1982 of municipality with Council-Manager plan.**

17:59.2. Any municipality having adopted, prior to the effective date of this amendatory and supplementary act, a charter encompassing a council-manager plan of government heretofore authorized pursuant to P. L. 1950, c. 210 shall continue to be governed, after the effective date of this act, by the charter and plan of government so adopted, until such time as the charter is abandoned or altered pursuant to article 1 of that act (C. 40:69A-1 through 40:69A-25), or amended pursuant to section 7<sup>1</sup> of this amendatory and supplementary act. During such time as the municipality shall continue to be governed by that charter, any provisions of, or supplements to, P. L. 1950, c. 210 enacted or amended after the effective date of this amendatory and supplementary act, which would have pertained to that charter if the provisions of this amendatory and supplementary act had not been enacted, shall pertain to that charter and govern that municipality.

**P. L. 1981, c. 465.**

<sup>1</sup> Section 40:69A-25.1.

**C. 40:69A-208.3 Continuance of charter adopted prior to Jan. 9, 1982 of municipality with Small Municipality plan.**

17-59.3. Any municipality having adopted, prior to the effective date of this amendatory and supplementary act, a charter encompassing a small municipality plan of government heretofore authorized pursuant to P. L. 1950, c. 210 shall continue to be governed, after the effective date of this amendatory and supplementary act, by the charter and plan of government so adopted, until such time as the charter is abandoned or altered pursuant to article 1 of P. L. 1950, c. 210 (C. 40:69A-1 through 40:69A-25), or amended pursuant to section 7<sup>1</sup> of this amendatory and supplementary act. During such time as the municipality shall continue to be governed by that charter, any provisions of, or supplements to P. L. 1950, c. 210 enacted or amended after the effective date of this amendatory and supplementary act, which would have pertained to that charter if the provisions of this

amendatory and supplementary act had not been enacted, shall pertain to that charter and govern that municipality.

**P. L. 1981, c. 465.**

<sup>1</sup> Section 40:69A-25.1.

### *I. General Provisions*

**C. 40:69A-209 Partial invalidity.**

17-60. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have rendered.

**C. 40:69A-210 Short title.**

17-61. This act shall be known as the Optional Municipal Charter Law.

17-62. This act shall take effect immediately. Approved June 8, 1950.



## APPENDIX

### CHAPTER 379, LAWS OF 1981

AS AMENDED AND SUPPLEMENTED TO

January 9, 1982

#### (UNIFORM NONPARTISAN ELECTIONS LAW)

AN ACT providing for a uniform method of holding nonpartisan elections, supplementing Title 40 of the Revised Statutes and revising and repealing parts of the statutory law pertaining thereto.

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

#### ARTICLE 4

##### NONPARTISAN ELECTIONS

###### **C. 40:45-5 Short title.**

4-1. This act shall be known and may be cited as the "Uniform Nonpartisan Elections Law."

###### **C. 40:45-6 Application of act.**

4-2. This act shall govern all municipalities having adopted a plan or form of government, or a charter, which provides for the election of municipal officers at regular municipal elections held on the second Tuesday in May, including municipalities holding regular municipal elections under the "Optional Municipal Charter Law," P. L. 1950, c. 210 (C. 40:69A-1 et seq.), under the "commission form of government law" (R. S. 40:70-1 et seq.), under the "municipal manager form of government law" (R. S. 40:79-1 et seq.), under the village form of government (R. S. 40:157-16 et seq.), or under any plan or form of government, or charter, hereafter authorized which provides for the holding of regular municipal elections at that time. This act shall govern these municipalities only with respect to the time, manner and method of election of municipal officers. The officers to be elected, and their number, the length of their terms of office, and their powers and responsibilities shall be determined by the laws authorizing the plan or form of government, or charter, which the municipalities have adopted.

###### **C. 40:45-7 Regular municipal elections; date; place; conduct; election of officers.**

4-3. Except as may otherwise be provided by law for initial elections conducted in a municipality following its adoption of a plan or form of government, or a charter or an amendment thereto, regular municipal elections shall be held in each municipality governed by this act on the second Tuesday in May in the years in which municipal officers are to be elected. The municipal election shall be held at the same place or places and con-

ducted in the same manner, so far as possible, as the general election. The election officers shall be those provided for conducting the general election.

**C. 40:45-8 Names of candidates; filing; manner, form and conditions.**

4-4. At least 47 days prior to a regular municipal election, the names of candidates for all elected offices shall be filed with the municipal clerk, in the following manner and form and subject to the following conditions:

a. The petition of nomination shall consist of individual certificates, equal in number to at least 1%, but in no event less than 25, of the registered voters of the municipality or the ward, as the case may be, and shall read substantially as follows:

"I, the undersigned, a registered voter of the municipality of  
..... residing at .....  
certify that I do hereby join in a petition of the nomination of  
..... whose residence is at .....  
..... for the office of mayor (or councilman-at-large,  
or ward councilman of the ..... ward, or commissioner,  
or village trustee, as the case may be) to be voted for at the election  
to be held in the municipality on the ..... 19....,  
and I further certify that I know this candidate to be a registered  
voter, for the period required by law, of the municipality (and the  
ward, in the case of ward councilman) and a person of good moral  
character, and qualified, in my judgment, to perform the duties of  
the office, and I further certify that I have not signed more petitions  
or certificates of nominations than there are places to be filled for  
the above office.

Signed ....."

b. Each petition signature shall be on a separate sheet of paper and shall bear the name and address of the petitioner. The candidate for office and his campaign manager shall make an oath before an officer competent to administer oaths that the statements made therein are true, and that each signature to the papers appended thereto is the genuine signature of the person whose name it purports to be, to their best knowledge and belief. The oath, signed by the candidate, shall constitute his acceptance of nomination and shall be annexed to the petition, together with the oath of his campaign manager, at the time the petition is submitted.

**C. 40:45-9 Individual certificates of nomination; signatures; filing; notice of defect; amendment.**

4-5. a. The municipal clerk shall furnish, upon request, a reasonable number of forms of individual certificates of nomination.

b. Each certificate shall contain the name of one candidate, and no more. Each signer must not, at the time of signing the certificate, have signed more certificates for candidates for that office than there are places to be filled for the office. Where ward councilmen are to be elected, no petitioner shall sign more than one certificate for ward council, and the candidate named in the petition shall reside in the same ward as the signer. All certificates not complying substantially with this act shall be rejected.

c. When a petition of nomination is presented for filing to the municipal clerk, he shall examine it and ascertain whether or not it conforms to the provisions of this act and, where applicable, the provisions of the general election laws. If it does not conform, he shall retain the petition and notify the person nominated of the defect, by written notice delivered to him personally or by certified mail to his place of residence stated in the petition.

d. Where the nominating petition, or any affidavit or affidavits thereto is found defective, the candidate named therein may file such amendment or amendments as may be necessary to eliminate the defect, whether of matters of substance or form, and when so amended the effect shall be as if the petition had been originally filed in the amended form. After the last day for the filing of the original petition, no amendment may be made for the purpose of adding the name of any person who did not sign the original petition, nor shall any amendment be made at any time for the purpose of changing the name of the candidate or the office for which he was to be nominated. No amendment to a nominating petition shall be made and filed less than 34 days before the election.

**C. 40:45-10 Designation of candidate on ballot.**

4-6. Any candidate whose name is to be printed on the ballot may petition the municipal clerk to print, opposite his name on the ballot, such designation, in not more than six words, as requested by him in the petition, for the purpose of indicating either an official act or policy to which he is pledged or committed. The designation shall not indicate political party affiliations. On the filing of the petition the clerk shall cause the designation to be printed opposite the name of the candidate upon the ballot. If several candidates for the same office shall petition that their names be grouped together and that the one designation named by them shall be printed opposite their names, the clerk shall group their names in a bracket, and opposite the bracket shall print the designation. Petitions requesting a designation or grouping of candidates shall be filed with the clerk on or before the last day fixed for filing the petition for nomination. If two candidates or groups select the same designation, the clerk shall notify the candidate or group whose petition was last filed, and that candidate or group shall select a new designation.

**C. 40:45-11 Nomination for one office only.**

4-7. No person shall accept nomination for more than one municipal office to be voted for at a regular municipal election to be held under this act.

**C. 40:45-12 Order of names of candidates on ballot; drawing lots.**

4-8. The municipal clerk shall draw lots to determine the order in which the names of the candidates or groups of candidates shall appear upon the ballots. The name of the person or group of candidates first drawn shall occupy first place on the ballot, or voting machine, and the name of the person or group of candidates next drawn shall occupy second place, and so forth. For the purpose of conducting the drawing by lot paper cards with the name of each candidate or group of candidates written thereon

shall be placed in a covered box with an aperture in the top large enough to allow the cards to be withdrawn. The municipal clerk in the presence of any candidate shall draw from the box each card without knowledge on his part as to which card he is drawing. The municipal clerk shall at least 2 days prior to the drawing notify each candidate by registered mail of the time and place of the drawing. The candidate or his representative shall have the right to examine the cards prior to their being placed in the covered box.

**C. 40:45-13 Publication of names of candidates.**

4-9. Within 10 days after the expiration of the time for filing certificates, statements and petitions for candidates, and the drawing for position, the municipal clerk shall cause the names of the candidates as they are to appear upon the ballots to be published in proper form once in each of two newspapers having circulation in the municipality and published in this State.

**C. 40:45-14 Persons with same name; statement of identification on ballot.**

4-10. When persons bearing the same name are nominated for the same office, either person may file with the municipal clerk a statement in writing containing not more than six words as a means of identification. The statement or designation shall be printed upon the official ballot to be used at the election.

**C. 40:45-15 Ballots; printing and authentication; contents; delivery.**

4-11. The municipal clerk shall cause the ballots to be printed and authenticated by his signature. Upon the ballots shall be printed the title of each office to be filled. Under each of the titles of office shall be printed the names of the candidates for each office with a square to the left of each name. Below the names of the candidates for each office the words "vote for (insert number of positions to be filled at the election)." The ballot shall be printed upon plain, substantial white paper, and shall be substantially in the following form:

"Municipal election of (insert name of municipality), county of (insert name of county), held (insert the date of the election). To vote for any person make a cross (X) or plus (+) or a check (✓) mark in the square preceding the name. Vote for only as many persons as there are officers to be elected. If you wrongly mark the ballot, tear or deface it and return it to election officer and obtain a new ballot."

Blank spaces equal to the number of offices to be filled shall be left below the printed names of the candidates for each office to be voted, wherein the voter may write the name or names of any person or persons for whom he may wish to vote.

The municipal clerk shall deliver ballots to the election officials at each polling place equal in number to 110% of the number of registered voters in each election district, except that where voting machines are used ballots shall be furnished as otherwise provided by law.

**C. 40:45-16 Count of ballots; statement of returns; canvass.**

4-12. The district boards of registry and election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in the election district for each of the candidates in the manner provided by law for the general election, and return the numbers to the municipal clerk immediately upon the completion of the count, upon proper blanks to be furnished by the clerk. In counties having a superintendent of elections one of the returns shall be made available immediately to the superintendent of elections. The superintendent may arrange to accept the statement of returns in each municipality within the county at the office of the clerk of the municipality or some other convenient place. On the day following the municipal election, the municipal clerk shall canvass all returns received from the election districts and the absentee ballots, and immediately make and file in his office the result thereof. The canvass by the municipal clerk shall be publicly made.

**C. 40:45-17 Number of votes for election; commencement of term of office.**

4-13. At the regular municipal election in any municipality which has adopted this act, the candidates receiving the greatest number of votes cast shall be elected to the respective offices. The term of office of any officer elected pursuant to this act shall begin on July 1 next following election.

**C. 40:45-18 Municipalities with run-off elections; election of councilmen-at-large, commissioners or village trustees with less than majority of votes.**

4-14. Notwithstanding the provisions of section 13 of this act, if the voters of any municipality shall adopt the proposition of holding run-off elections in the municipality, at the regular municipal election held in that municipality the candidates receiving the greatest number and a majority of votes cast shall be elected to the respective offices, except that if:

a. Nine councilmen-at-large (or commissioners, or village trustees) are to be elected and four or more candidates for that office receive a majority of the votes cast, the nine candidates receiving the greatest number of votes shall be elected; or

b. Eight councilmen-at-large (or commissioners, or village trustees) are to be elected and four or more candidates for that office receive a majority of the votes cast, the eight candidates receiving the greatest number of votes shall be elected; or

c. Seven councilmen-at-large (or commissioners, or village trustees) are to be elected and three or more candidates for that office receive a majority of the votes cast, the seven candidates receiving the greatest number of votes shall be elected; or

d. Six councilmen-at-large (or commissioners, or village trustees) are to be elected and three or more candidates for that office receive a majority of the votes cast, the six candidates receiving the greatest number of votes shall be elected; or

e. Five councilmen-at-large (or commissioners, or village trustees) are to be elected and two or more candidates for that office receive a majority

of the votes cast, the five candidates receiving the greatest number of votes shall be elected; or

f. Four councilmen-at-large (or commissioners, or village trustees) are to be elected and two or more candidates for that office receive a majority of the votes cast, the four candidates receiving the greatest number of votes shall be elected; or

g. Three councilmen-at-large (or commissioners, or village trustees) are to be elected and one or more candidates for that office receive a majority of the votes cast, the three candidates receiving the greatest number of votes shall be elected; or

h. Two councilmen-at-large (or commissioners, or village trustees) are to be elected and one or more candidates for that office receive a majority of the votes cast, the two candidates receiving the greatest number of votes shall be elected.

For the purpose of this section, the number constituting a majority of the votes cast shall be computed by dividing by two the number of voters who cast a vote for at least one candidate for councilman-at-large (or commissioner, or village trustee) and then adding one. Voting machines to be used in the election shall be equipped, as soon as practicable, with one or more counters so connected as to keep a tally of the number of voters who cast votes for one or more of the candidates for councilmen-at-large (or commissioner, or village trustee). Until suitable counters have been provided, or whenever the tally of the number of voters cannot be determined for any reason, then the number constituting the majority of the votes cast shall be computed by adding all the votes cast for each candidate for that office, dividing that total by twice the number of councilmen-at-large (or commissioners, or village trustees) to be elected and then adding one.

**C. 40:45-19 Run-off election; date; candidates; military service ballots; votes necessary for election; tie votes.**

4-15. In any regular municipal election held under section 14 of this act, if a sufficient number of candidates do not receive a majority of the votes cast to elect the required number of councilmen-at-large (or commissioners, or village trustees) or no candidate for mayor or no candidate for ward councilman receives a majority of the votes cast for his respective office, a run-off election in the municipality or ward, as the case may be, shall be held on the fourth Tuesday next following that municipal election.

At the run-off election, the candidates for councilman-at-large (or commissioner, or village trustee) shall be those candidates not elected at the regular municipal election who received the greatest number of votes at that election, but the candidates shall be equal in number to twice the number of councilmen at large (or commissioners, or village trustees) remaining to be elected. The candidates for mayor or ward councilmen at the run-off election shall be the two candidates for the office who received the greatest number of votes at the regular municipal election. Military service ballots shall be printed and distributed for the run-off election in the same manner, so far as possible, as for other municipal elections.

The candidate or candidates who receive the greatest number of votes at the run-off election shall be elected to the office or offices to be filled. If two or more candidates shall be equal and greatest in votes for any of the purposes of this section, they shall draw lots to determine which one shall enter the run-off election, or be elected, as the case may be.

If any candidate to be voted for at the run-off election dies 7 or more days prior to the run-off election, the candidate for the office not theretofore included in the run-off election but next highest in number of votes for that purpose, shall be substituted at the run-off election in the place of the deceased candidate and his name shall be substituted on the ballots for that of the deceased candidate.

**C. 40:45-20 Continuation of provisions for run-off elections.**

4-16. Any municipality in which, immediately prior to the effective date of this act, run-off elections were required to be held pursuant to the plan or form of government, or charter, of the municipality, shall, on and after the effective date of this act, be governed by the provisions of sections 14 and 15 of this act for so long as it continues to be governed by that plan or form of government, or that charter, except as provided in section 17 of this act.

**C. 40:45-21 Run-off elections; adoption or abandonment of provisions; submission by ordinance or petition to voters; vote necessary.**

4-17. a. Any municipality governed by the provisions of this act, but not by the provisions of sections 14 and 15 of this act, may, by referendum, adopt the provisions of those sections. Any municipality governed by the provisions of this act and by the provisions of sections 14 and 15 may, by referendum, abandon the provisions of those sections and continue to be governed by the provisions of this act. The question of adopting, or of abandoning, those provisions may be submitted to the voters either by ordinance of the governing body or by petition of the registered voters. Any ordinance adopted, or each petition paper submitted, for the purpose shall state the proposition that run-off elections be held in the municipality; or, in the case of abandonment, that run-off elections not be held in the municipality.

b. Upon adoption by the governing body of an ordinance conforming with the provisions of this section, the municipal clerk shall provide for the submission of the question at the next general election or regular municipal election occurring in the municipality not less than 60 days after the date of the adoption of the ordinance.

c. Any petition submitted by the registered voters pursuant to this section shall be signed by the registered voters of the municipality in a number at least equal to 10% of the total votes cast in the municipality at the last preceding general election at which members of the General Assembly were elected. The petition shall be filed with the clerk of the municipality who shall, upon filing, ascertain and certify the number and validity of the signatures affixed thereto. If the petition is determined to be insufficient, the person designated in the petition for the purpose shall have 10 days from the notification of insufficiency to file a supplementary petition designed to

rectify the insufficiency, which shall be in the same form and shall be filed in the same manner as the original petition. If no supplementary petition is filed within 10 days after notification, or if the clerk shall examine the supplementary petition and determine that an insufficiency still exists, the clerk shall file a certificate of insufficiency in his office and notify the designated person of the insufficiency. A finding of insufficiency shall not prejudice the filing of a new petition for the same purpose.

If the petition is determined to be sufficient, the clerk shall so certify, shall transmit a certified copy to the governing body of the municipality, and shall provide for the submission of the question at the next general election or regular municipal election occurring in the municipality not less than 60 days after the date of certification.

d. At the election, the question shall be submitted in the appropriate form as follows:

(1) If the ordinance or petition proposes the holding of run-off elections in the municipality, the question shall be posed: "Shall run-off elections be held in (insert name of municipality) as permitted by the "Uniform Nonpartisan Elections Law?"

(2) If the ordinance or petition proposes the abandonment of run-off elections in the municipality, the question shall be posed: "Shall (insert name of municipality) abandon the holding of run-off elections as permitted by the "Uniform Nonpartisan Elections Law?"

e. The question submitted pursuant to subsection d. of this section shall be approved if a majority of those voting on the question shall vote in favor of the question, and shall take effect for the next regular municipal election held in the municipality and thereafter.

f. No ordinance may be adopted and no petition may be filed proposing the adoption of the provisions of sections 14 and 15 of this act, or the abandonment of the provisions of those sections, within 4 years after the date on which the municipality initially adopted a plan or form of government, or charter, requiring the holding of run-off elections in the municipality, or within 4 years after the date on which a question was last submitted to the voters pursuant to subsection d. of this section.

Note: This act shall take effect January 1 following enactment.



CHAPTER 496, LAWS OF 1981  
AS AMENDED AND SUPPLEMENTED TO  
January 9, 1982  
(MUNICIPAL WARD LAW)

AN ACT providing a uniform method for the fixing and determination of municipal ward boundaries by ward commissioners and revising parts of the statutory law pertaining thereto.

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

**C. 40:44-8 Short Title.**

1-9. This act shall be known and may be cited as the "Municipal Ward Law."

**C. 40:44-10 Application to and governance of municipalities divided into wards.**

1-10. This act shall apply to and govern any municipality having adopted a charter form of government, or ordinance, providing that the municipality shall be divided into wards, or other similar representation districts, for the purpose of the election or appointment of any municipal officers. It shall constitute the exclusive method whereby the boundaries of wards, or other similar representation districts, in municipalities shall be fixed and determined, and to this end all acts or parts of acts whether of a general or special character, which conflict or are incompatible with its provisions are superseded to the degree of the conflict or incompatibility. Nothing in this act shall be sufficient in itself to authorize any municipality to divide into wards or other similar representation districts, nor to increase or decrease the number of its wards or similar representation districts.

**C. 40:44-11 Division into wards by ward commissioners.**

1-11. A municipality shall be divided by the ward commissioners, in the manner provided in this act, into so many wards as the charter form of government, or ordinance, may provide. The members of the county board of elections of the county in which the municipality is located, together with the municipal clerk, shall constitute the ward commissioners.

**C. 40:44-12 Ward commissioners; reimbursement of expenses; compensation; assistance; payments.**

1-12. Each ward commissioner shall be entitled to be reimbursed for necessary expenses incurred in the performance of his duties and to such compensation as the governing body may provide by ordinance.

The ward commissioners shall be entitled in the performance of their duties to the assistance of a surveyor or engineer, and, when they deem necessary, may employ a surveyor or engineer and such other assistants as shall be necessary to aid them in the discharge of their duties.

The governing body of the municipality shall provide, upon certification of the ward commissioners, for payment of the expenses of the ward commissioners, their compensation as determined by ordinance, and the expenses for the services of the surveyor, engineer or other assistants as the ward commissioners shall have incurred. No person employed under this section shall be compensated by receiving a percentage of the contract under which he renders services.

**C. 40:44-13 Meetings; oaths; division into wards or change of boundaries.**

1-13. a. Within 5 days following any election at which the voters of the municipality shall have adopted a charter, or an amendment thereof, or a form of government requiring the division of the municipality into a number of wards, the ward commissioners shall meet and, having first taken and subscribed, before an officer authorized to administer oaths, an oath to faithfully and impartially perform their duties, shall proceed to divide the municipality into wards as required by the charter or form of government and this act.

b. Within 30 days following the final adoption pursuant to law by the municipal governing body of any ordinance which by its terms requires that the municipality be divided into wards, or that the existing wards of the municipality be increased or decreased, or that the existing ward boundaries of the municipality be adjusted to allow for the annexation or de-annexation of territory, the ward commissioners shall meet in the manner provided in subsection a. of this section and proceed to divide the municipality into wards, or to make such adjustments in ward boundaries, as shall be required to conform with the provisions of the ordinance and this act.

c. Within 3 months following the promulgation by the Governor pursuant to law of each Federal decennial census, the ward commissioners shall meet in the manner provided in subsection a. of this section and proceed to make such adjustments in ward boundaries as shall be necessary to conform them to the requirements of this act.

**C. 40:44-14 Boundaries; requirements.**

1-14. The ward commissioners shall fix and determine the ward boundaries so that each ward is formed of compact and contiguous territory. The population of the most populous ward so created shall not differ from the population of the least populous ward so created, by more than 10% of the mean population of the wards derived by dividing the total population of the municipality by the number of wards created. The most recent Federal decennial census shall be used as the population determinant.

**C. 40:44-15 Report on ward boundaries; certification; filing.**

1-15. Within 30 days following their initial meeting pursuant to section 5 of this act, the ward commissioners shall file their report, certified by at least three of their signatures, setting forth and properly describing the ward boundaries fixed and determined. There shall be annexed to the report a map of the municipality with the ward boundaries clearly marked thereon.

The report so certified shall be filed in the office of the county clerk, and copies shall be filed with the Secretary of State and in the office of the municipal clerk.

**C. 40:44-16 Publication of notice; supersedure of former wards; election or appointment of officers from ward.**

1-16. Within 2 weeks immediately following the filing of the certified report by the ward commissioners, the municipal clerk shall cause to be published at least once in at least one newspaper generally circulating in the municipality a notice of the ward boundaries as fixed and determined in the report.

Upon completion of the publication, the former wards, if any, shall be superseded, and thereafter all officers elected or appointed in the municipality for or representing the wards thereof shall be elected from, or appointed for, the wards fixed and determined by the ward commissioners; except that, in municipalities wherein municipal officers are elected at the general election held on the first Tuesday after the first Monday in November, if the publication shall be completed in a year in which municipal officers are elected during the period between the date 75 days before the primary election and the date of the general election, the wards so fixed and determined shall take effect on the day following the holding of that general election; and, in municipalities wherein municipal officers are elected at a regular municipal election held on the second Tuesday in May, if the publication shall be completed in a year in which municipal officers are elected during the period between the date 75 days before the regular municipal election and the date of the election, the wards so fixed and determined shall take effect on the day following the holding of that regular municipal election.

**C. 40:44-17 Adjustment of boundaries; continuance in office of elected officers.**

1-17. Whenever the boundaries of existing wards are adjusted pursuant to subsection b. or c. of section 5<sup>1</sup> of this act, all officers elected therefor shall continue in office until their respective terms of office shall expire and until their successors are elected and qualified from adjusted wards.

<sup>1</sup> Section 40:44-13.

**C. 40:44-18 Inapplicability of act to wards or ward boundaries existing on January 12, 1982.**

1-18. Nothing contained in this act shall invalidate any ward or ward boundaries existing in any municipality on the effective date of this act which were fixed and determined pursuant to any previous law, but the provisions of this act shall apply to and govern any municipality on and after the date on which any of the circumstances set forth in section 5<sup>1</sup> of this act shall occur therein.

<sup>1</sup> Section 40:44-13.

Note: R. S. 40:44-1 through 40:44-8 are repealed.

## REPEALED SECTIONS

The following articles and sections of the Faulkner Act are repealed by Chapter 465, P. L. 1981:

Article 4, sections 4-1 through 4-5, of P. L. 1950, c. 210 (C. 40:69A-49 through 40:69A-53);

Article 5, sections 5-1 through 5-5, of P. L. 1950, c. 210 (C. 40:69A-55 through 40:69A-59);

Article 6, sections 6-1 through 6-6, of P. L. 1950, c. 210 (C. 40:69A-61 through 40:69A-66);

Article 7, sections 7-1 through 7-5, of P. L. 1950, c. 210 (C. 40:69A-68 through 40:69A-72);

Article 8, sections 8-1 through 8-6, of P. L. 1950, c. 210 (C. 40:69A-74 through 40:69A-79);

Section 9-4 of P. L. 1950, c. 210 (C. 40:69A-84);

Article 10, sections 10-1 through 10-4, of P. L. 1950, c. 210 (C. 40:69A-99 through 40:69A-102);

Article 11, sections 11-1 through 11-4, of P. L. 1950, c. 210 (C. 40:69A-104 through 40:69A-107);

Article 12, sections 12-1 through 12-5, of P. L. 1950, c. 210 (C. 40:69A-109 through 40:69A-113);

Article 12A, sections 12A-1 through 12A-4, added to P. L. 1950, c. 210 by section 13 of P. L. 1953, c. 254 (C. 40:69A-114.1 through 40:69A-114.4);

Article 12B, sections 12B-1 through 12B-6, added to P. L. 1950, c. 210 by section 5 of P. L. 1973, c. 234 (C. 40:69A-114.6 through 40:69A-114.10);

Section 13-4 of P. L. 1950, c. 210 (C. 40:69A-118);

Article 14, sections 14-1 through 14-4 and 14-6 of P. L. 1950, c. 210 (C. 40:69A-133 through 40:69A-136 and C. 40:69A-138);

Article 15, sections 15-1 through 15-5, of P. L. 1950, c. 210 (C. 40:69A-139 through C. 40:69A-143); and,

Article 16, sections 16-1 through 16-6, of P. L. 1950, c. 210 (C. 40:69A-144 through 40:69A-149).

## OPTIONS

Available Under the Faulkner Act as Revised by C. 463, P. L. 1981  
Listed below are all of the possible combinations of options available under the four basic Faulkner plans:

### MAYOR-COUNCIL PLAN

1. Mayor and council elected at general election at large for concurrent terms.
2. Mayor and council elected at general election at large for staggered terms.
3. Mayor and council elected at general election using wards for concurrent terms.
4. Mayor and council elected at general election using wards for staggered terms.
5. Mayor and council elected at regular municipal election at large for concurrent terms.
6. Mayor and council elected at regular municipal election at large for staggered terms.
7. Mayor and council elected at regular municipal election using wards for staggered terms.
8. Mayor and council elected at regular municipal election using wards for concurrent terms.

### COUNCIL-MANAGER PLAN

1. Council elected at general election at large for concurrent terms, with mayor elected directly by voters.
2. Council elected at general election at large for concurrent terms, with mayor elected by council.
3. Council elected at general election at large for staggered terms, with mayor elected directly by voters.
4. Council elected at general election at large for staggered terms, with mayor elected by council.
5. Council elected at general election using wards for concurrent terms, with mayor elected directly by voters.
6. Council elected at general election using wards for concurrent terms, with mayor elected by council.
7. Council elected at general election using wards for staggered terms, with mayor elected directly by voters.
8. Council elected at general election using wards for staggered terms, with mayor elected by council.
9. Council elected at regular municipal election at large for concurrent terms, with mayor elected directly by voters.
10. Council elected at regular municipal election at large for concurrent terms, with mayor elected by council.
11. Council elected at regular municipal election at large for staggered terms, with mayor elected directly by voters.
12. Council elected at regular municipal election at large for staggered terms, with mayor elected by council.
13. Council elected at regular municipal election using wards for concurrent terms, with mayor elected directly by voters.
14. Council elected at regular municipal election using wards for concurrent terms, with mayor elected by council.
15. Council elected at regular municipal election using wards for staggered terms, with mayor elected directly by voters.
16. Council elected at regular municipal election using wards for staggered terms, with mayor elected by council.

#### **SMALL MUNICIPALITY PLAN**

1. Council elected at general election for concurrent terms, with mayor elected directly by voters.
2. Council elected at general election for concurrent terms, with mayor elected by council.
3. Council elected at general election for staggered terms, with mayor elected directly by voters.
4. Council elected at general election for staggered terms, with mayor elected by council.
5. Council elected at regular municipal election for concurrent terms, with mayor elected directly by voters.
6. Council elected at regular municipal election for concurrent terms, with mayor elected by council.
7. Council elected at regular municipal election for staggered terms, with mayor elected directly by voters.
8. Council elected at regular municipal election for staggered terms, with mayor elected by council.

#### **MAYOR-COUNCIL-ADMINISTRATOR PLAN**

No optional arrangements are provided under this plan.



## ABOUT THE COMMISSION

The New Jersey Legislature established the County and Municipal Government Study Commission with the charge to "study the structure and functions of county and municipal government . . . and to determine their applicability in meeting the present and future needs of the State and its political subdivisions."

To achieve as broad a representation as possible in carrying out this legislative charge, a Commission of 15 members was created, nine of whom are named by the Governor, three of whom are Senators named by the President of the Senate, and three of whom are Assemblymen, named by the Speaker of the General Assembly. Of the Governor's appointees, three are nominees of the New Jersey Association of Counties, three are nominees of the New Jersey State League of Municipalities, and three are from among the citizens of the State.

The Commission's initial report, **Creative Localism: A Prospectus**, recommended a comprehensive and systematic study of the patterns of planning, financing and performing functions of government. This assessment seeks to develop more effective approaches for service provision among municipal, county and state governments through statutory amendment and changes in administrative practices and policies.

In light of these goals, the Commission has examined alternate forms of service provision on a larger than municipal scale and evaluated current systems for provision of services. This research has led to a series of structural studies dealing with county government, joint services, consolidation and municipal government forms. The Commission also engages in functional studies that are focused upon the services that local governments provide or should so provide. These functional studies have included examinations of transportation, housing, social services, health, solid waste management, flood control, libraries and state mandates. In addition, a series of informational periodicals and handbooks are published for the use of officials, administrators and others interested in New Jersey government.

While the Commission's research efforts are primarily directed toward ongoing structural and functional studies, its staff is often asked to assist in the drafting of legislation and regulatory action based upon Commission recommendations. The Commission also serves as a general resource to the Legislature, Executive agencies, local government officials and civic organizations as well as to related activities at the national level.