

## **ORDINANCE #1-15**

### **AN ORDINANCE AMENDING SECTION 2-4 OF CHAPTER I OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT CONSISTENT WITH THE REESTABLISHMENT OF THE KEYPORT MUNICIPAL COURT**

**WHEREAS**, by Section 2 and 3 of 1972 Code of the Borough of Keyport, as amended by Ordinance #253, §§ 1-4, 6 and 7, the Borough of Keyport established the Keyport Municipal Court; and

**WHEREAS**, by Ordinance 19-11, adopted October 4, 2011, Section 2-4 ("Municipal Court") of Chapter I of the Revised General Ordinance of the Borough of Keyport was repealed and replaced with a new Section 2-4 ("Joint Municipal Court"), thereby abolishing the Keyport Municipal Court and establishing a joint municipal court ("the Joint Court") located at the Hazlet Police Building/Municipal Court Complex, 255 Middle Road in Hazlet, as of June 1, 2012; and

**WHEREAS**, by Resolution 387-13, adopted December 17, 2013, the Mayor and Council of the Borough of Keyport authorized the Borough's withdrawal from the Joint Court and the termination of the related Shared Services Agreement as of January 1, 2015; and

**WHEREAS**, in coordination with the Superior Court Judge presiding over municipal courts located in Monmouth County and the Administrative Office of the Superior Court of New Jersey, the Borough of Keyport has reestablished the Keyport Municipal Court as of January 1, 2015; and

**WHEREAS**, the Mayor and Council of the Borough of Keyport desire to update Section 2-4 of Chapter I of the Revised General Ordinances of the Borough of Keyport accordingly, and consistent with Section 2 and 3 of 1972 Code of the Borough of Keyport, as amended by Ordinance #253, §§ 1-4, 6 and 7.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Keyport as follows:

#### **SECTION I. Amendments to the Revised General Ordinances.**

Effective as of January 1, 2015, Section 2-4 of Chapter I of the Revised General Ordinances of the Borough of Keyport is hereby repealed in its entirety and revised to read as follows:

#### **2-4 MUNICIPAL COURT**

Note: This section shall be effective January 1, 2015. All summonses and other appropriate matters issuing or arising from the Borough of Keyport prior to June

1, 2012 or after December 31, 2014 shall be processed in the Keyport Municipal Court. All such summonses and matters issuing or arising during the time period of June 1, 2012 through December 31, 2014, are within the jurisdiction of the Joint Municipal Court located at 225 Middle Road, Hazlet, NJ.

**2-4.1 Established Powers.** There shall be a Municipal Court in the Borough pursuant to N.J.S.A. 2A: 2-1 through 4, to be known as the Municipal Court of the Borough of Keyport. The Municipal Court shall have a seal bearing the impress of the name of the Court. The Court shall be held in the Borough Hall. The Court shall be in session at least one (1) evening each week, the evening to be determined by the Judge and a certificate of the evening filed with the Borough Clerk. It shall additionally be in session at such other times as business may require. (1972 Code §2-3)

**2-4.2 Municipal Judge; Powers and Duties.** There shall be a Municipal Judge of the Municipal Court who shall be appointed by the Borough Council. The term of such Judge shall be for a period of three (3) years from the date of appointment and until his successor is appointed and qualified. The Municipal Court and the Municipal Judge shall have, possess and exercise all the functions, powers, duties, and jurisdiction confirmed by the provisions of N.J.S.A. 2A:8, as amended and supplemented, or any other law. (1972 Code §2-3)

**2-4.3 Municipal Court ClerkAdministrator.**

a. *Appointment and Duties.* There shall be an Administrator of the Municipal Court who shall be appointed by the Council and who shall perform the functions and duties prescribed by law, the rules applicable to Municipal Courts, and by the Municipal Judge. The duties of the Court Administrator shall include, but not be limited to:

1. Carrying out the rules, regulations, policies and procedures relating to the operation of the Court.
2. Interviewing and speaking to persons wishing to file criminal complaints or wishing information in this regard; receiving complaints and dispensing information relating to Court matters.
3. Maintaining the financial records of the Court.
4. Attending court; recording pleas, judgments and dispositions; arranging trial calendars; signing court documents; preparing and issuing warrants and commitments.

5. Taking and preparing bail bonds, recognizances, and security in lieu thereof; making inquiry concerning their sufficiency and equity; receiving and accounting for fines and costs.
  6. Interviewing persons on informal Municipal Court matters to determine if there is a basis for formal action and, if necessary, issuing summonses requiring court appearances; maintaining and classifying records and files.
  7. Maintaining, forwarding, receiving and reporting such records, reports and files as are required by the New Jersey Motor Vehicle Commission.
- b. *Deputy Court Administrator.* In the absence of the Court Administrator, the Deputy Administrator shall assume all duties of the office. (Ord. #253, §§1-4, 6 and 7; 1972 Code §2-3; New)

#### **SECTION II. Inconsistent Ordinances.**

All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

#### **SECTION III. Severability.**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.


#### **SECTION IV. Effective date.**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced: January 13, 2015  
Public Hearing: February 3, 2015  
Adopted: February 3, 2015



Valerie T. Heilweil, RMC  
Borough Clerk  
Borough of Keyport

  
Harry M. Cumack, II, Mayor  
Borough of Keyport