

CHAPTER 2. ADMINISTRATIVE CODE

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## ARTICLE 1. TOWN COUNCIL

### 2-1. Meetings. (3-9-92)

#### (A) Regular Meetings.

The Town Council shall meet annually for organization within the first seven (7) days of January, the date to be established by resolution of the Town Council during the preceding month. The Council shall meet regularly thereafter on the second and fourth Mondays of each month at 7:30 p.m., except that the Council may, by resolution, dispense with one or more of the meetings otherwise scheduled for the months of July and August. When the time for any regular meeting of the Council falls on a legal holiday, such a meeting shall be held at the same hour on the day succeeding said holiday which is not a legal holiday or the Council may by resolution, dispense with the meeting.

#### (B) Special Meetings.

The Mayor may at any time, and shall upon written request of any four (4) Councilmen, call a special meeting. The request and call for such a special meeting shall specify the purpose of the meeting, and no business shall be transacted at any special meeting other than that specified. The call for a special meeting shall be filed with the Town Clerk and served upon each Councilman as hereinafter provided at least twenty-four (24) hours prior to the time for which the meeting is called. The Mayor may determine whether an emergency exists affecting the health or safety of the people, which requires consideration by the Council, within a shorter period of time, and upon such determination by the Mayor, the call may be filed with the Town Clerk at any time not less than three (3) hours prior to the time set for the meeting. Upon the filing of any call for a special meeting, the Town Council shall immediately give notice by telephone or telegraph to each Councilman at such place as each shall have previously designated for that purpose and shall also serve or cause to be served a written copy of the call upon each Councilman by delivery of a copy to him personally or by leaving a copy at his usual place of abode. Upon written waiver of notice executed by all the members of the Council, a special meeting may be held without prior notice, notwithstanding the above provisions of this section.

#### (C) Public Attendance.

All regular and special meetings of the Council shall be open to the general public.

### 2-2. Committee Structure.

(A) Standing Committees.

The standing committees of the Council which shall be appointed by the Mayor annually at the Organization Meeting shall be as follows:

Fire

Sanitation

Police

Welfare

Lighting

Recreation

Printing, License and Franchise

Public Works

Ordinance and Municipal Affairs

Finance

(B) Ad Hoc Committees.

The Mayor may appoint additional Council Committees from time to time.

2-3. Order of Business.

The business of the Council at regular meeting and so far as applicable at special meetings shall be considered and disposed of in the following order:

1. Quorum - Roll Call.
2. Approval of Minutes of Previous Meeting.
3. Advertised Hearings.
  - (a) Ordinances.
  - (b) Recording of results of advertised bids.
4. Open Discussion by Citizens.
5. Petitions and Communications.
6. General Information to Citizens.
7. Pending Business.
  - (a) Adoption of ordinances.
  - (b) Adoption of resolutions (when required).

(c) Award of bids.

8. Committee Reports.

9. New Business.

Reports, resolutions and introduction of proposed ordinances.

10. Miscellaneous.

11. Approval of Bills and Claims.

12. Adjournment.

2-4. Agenda.

An agenda for each public meeting of the Council shall be prepared by the Town Clerk not later than 12:00 Noon on the Thursday preceding each meeting of the Council. Such agenda shall consist of the matters to come before the Council. The agenda is for the information of the Council and is not necessarily to be complete or in full detail. The Council may, at its discretion, add or delete any item to or from the agenda. The Town Clerk shall organize the agenda according to the same classification and order as prescribed by the above for the Council's Order of Business. The Clerk shall cause a copy of the agenda for each meeting to be delivered to the Mayor, each Councilman, and to each Department Head, not less than twenty-four (24) hours prior to the date and time of the meeting. The Clerk shall also post a copy of the agenda on the bulletin board of the Municipal Building.

2-5. Presiding Officer.

The Mayor shall preside at all meetings of the Town Council at which the Mayor is present. In the absence of the Mayor, the Acting Mayor, or in the absence of the Acting Mayor, the alternate Acting Mayor shall call the Council to order. Upon the arrival of the Mayor, the Acting Mayor or alternate Acting Mayor shall immediately relinquish the Chair.

2-6. Quorum.

Four (4) Councilmen shall constitute a quorum at any regular or special meeting of the Council (whether or not the Mayor is present), but a lesser number than a quorum may adjourn a meeting, and if no member is present one-half hour after the appointed time for any meeting, the Town Clerk shall adjourn the meeting.

2-7. Reading of the Minutes.

The minutes of the previous meeting of the Council may be approved without reading if the Town Clerk has previously furnished each Councilman with a copy thereof.

2-8. Recording of Minutes.

The minutes of the public meeting of the Council shall record the official actions taken by the Council.

2-9. Addressing the Council.

Taxpayers or residents of the Town, or their legal representatives may address the Council during the period of Open Discussion by Citizens on any matter over which the Council has jurisdiction. Any persons desiring to address the Council shall first seek to be recognized by the presiding officer, and such persons, upon recognition, shall give their name and address. Unless additional time is granted by the Council, each person shall limit their statement to ten (10) minutes. All remarks shall be addressed to the presiding officer.

2-10. Decorum.

(A) By Council Members.

While the Council is in session, the members shall preserve order and decorum, and the members shall neither by conversation or otherwise delay, or interrupt the proceedings or the peace of the Council or interrupt any member while speaking.

(B) By Persons.

Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Council shall be barred by the presiding officer from further attendance at that meeting of the Council, unless permission to continue be granted by a majority vote of the Council.

(C) Enforcement.

The Chief of Police or such member or members of the Police Department as the Chief may designate, shall be Sergeant at Arms at the Council meetings when requested by the Mayor. The Sergeant at Arms shall carry out all instructions and orders given by the presiding officer for the purpose of maintaining order and decorum at the Council meetings.

2-11. Appropriations.

(A) Before the Council shall consider or pass any resolution authorizing the entering into of any contract calling for the expenditure of public funds, it shall first ascertain that there are available sufficient legally-appropriated funds for that purpose.

(B) The Treasurer shall certify in writing to the Council the availability or lack thereof of adequate funds for each contract, which is pending approval by the Council. Said certification shall designate specifically the line item appropriations of the Official Budget adopted pursuant to the Local Budget Law to which the contract will be properly charged, taking care that the same funds shall not be certified as available for more than one (1) pending contract.

(C) No resolution or ordinance authorizing the entering into of any contract pursuant to N.J.S.A. 40A:11, or any other law for the expenditure of public funds to a vendor, contractor, or other entrepreneur shall be enacted unless it shall recite that such a certificate showing availability of funds has been provided. The resolution shall specify the exact line item appropriation or ordinance which shall be charged.

(D) The certificate of availability of funds shall be attached to the original copy of the resolution or ordinance and kept in the file of the Town Clerk.

(E) Before certifying to the legality of any such resolution or ordinance, the Town Attorney shall satisfy himself that the proper Certificate of Availability has been provided showing funds to be available.

(F) The Town Clerk and Treasurer shall endeavor to see that adequate procedures such as encumbrance systems, either formal or informal, exist so as to avoid violation of N.J.S.A. 40A:4-57, with respect to contracts or purchases made other than by resolution or ordinance.

ARTICLE 2. TOWN CLERK/ADMINISTRATOR (4-26-93)

2-15. Appointment.

A. A Town Clerk shall be appointed by the Council for a three year term, subject to the tenure provisions of R.S. 40A:9-133.1. The Clerk shall receive such annual compensation as shall be provided in the salary ordinance.

B. A Town Administrator shall be appointed by the Mayor with the advice and consent of the Council. Only the Town Clerk may be appointed the Town Administrator. The term of office of the Town Administrator shall be at the pleasure of the Council. The Administrator shall receive such annual compensation as shall be provided in the salary ordinance.

2-16. Duties of Town Clerk/Administrator

Subject to the general direction and supervision of the Mayor the Clerk/Administrator shall perform the following duties:

A. (1) Act as secretary of the Town and custodian of the Town seal and of all minutes, books, deeds, bonds, contracts, and archival records of the Town. The Town Council may, however, provide by ordinance that any other specific officer shall have custody of any specific other class of record.

(2) Act as secretary to the Mayor and Common Council, prepare meeting agendas at the discretion of the Mayor, be present at all meetings of the Mayor and Common Council, keep a journal of the proceedings of every meeting, retain the original copies of all ordinances.

(3) Serve as the chief administrative officer in all elections held in the Town, subject to the requirements of Title 19 of the Revised Statutes.

(4) Serve as chief registrar of voters in the Town, subject to the requirements of Title 19 of the Revised Statutes.

(5) Serve as the administrative officer responsible for the acceptance of applications for licenses and permits and the issuance of licenses and permits, except where statute or ordinance has delegated that responsibility to some other Town officer.

(6) Serve as coordinator and records manager responsible for implementing local archives and records retention programs as mandated pursuant to Title 47 of the Revised Statutes.

(7) Perform such other duties as are now or hereafter imposed by statute, regulation or by municipal ordinance or regulation.

(8) Assist the Mayor in the direction and supervision of the administration of the departments of the Town Government, except as otherwise provided by general law,

(9) Assist the Mayor in providing for the organization of the work of the departments.

(10) Review, analyze and forecast trends in Town services and finance, and report and recommend thereon to the Mayor.

(11) Assist the Mayor in the preparation of an annual current expense budget and a capital budget for consideration by the Council and redeemed long-range capital improvement programs. Alert Department heads concerning submission of proposals for departmental appropriations.

(12) Approve all vouchers for payment subject to audit control. Approving any purchase order in excess of \$500.00 prior to any order being made. Coordinate the purchasing of supplies, services and such other materials and equipment as directed by the Mayor. Certify the receipt of the same and attend to the submission of proper vouchers for payment and review all disbursement therefor.

(13) Attend all meeting of the Council, whether regular, special or conference, unless excused by the Mayor and Common Council, and attend such committee meetings as required by the Committee Chairman thereof.

(14) Serve as Clerk of the Council and its committees.

(15) Be the depository and custodian of all official surety bonds furnished by or on account of any Town officer or employee, all insurance policies upon or, with respect to risks insured for the benefit of the Town to protect it against any claims or liability whatsoever, and all formal contracts for work, labor, services, supplies, equipment and material to which the Town may be a party.

(16) Be custodian of all leases of property owned by the Town.

(17) Be the depository and custodian of all performance bonds or any other form of security given by any contractor or subdivision developer or other persons on account of work done in or for the Town.

(18) Issue such licenses as may be authorized by the Council pursuant to the State Alcohol Beverage Control Laws and Town ordinances.

(19) Issue certificates as to liability for assessments for municipal improvement.

(20) Be responsible for the coordination of intra-departmental operations, and manage the daily operation of Town Hall by coordinating and supervising the clerical staff.

(21) He shall keep the Mayor and Council currently informed on all matters assigned to him or otherwise within his jurisdiction.

(22) He shall act as a liaison and be responsible for continually improving recommendations between the various Town personnel, departments, agencies, boards and the Mayor and Council.

(23) He shall review daily any complaints concerning the functions and obligations of the Town and he shall have a permanent record of all complaints and the disposition made.

(24) He shall make any recommendations, which he may believe will increase the efficiency of the operation of the Town.

(25) Make recommendations to the Mayor and Council concerning budgets, purchasing procedures, administrative procedures, personnel and other matters with the purpose of improving the efficiency, economy and effectiveness of the Town government.

(26) Act as liaison between the Town and County, State and federal agencies, with respect to application for funds and/or services needed or required by the Town.

(27) To be responsible for the maintenance of sound personnel policies and administrative practice and to study and make recommendations in respect to the personnel, organization and policies of the Town and any of its departments, after consultation with the Mayor and with department heads.

(28) In daily operations - implement the Mayor and Common Council's policies as they are manifested in the daily operations and activities of the Town by correspondence, review of minutes and personal contact.

(29) Inform the governing body and the residents of the Town on all matters relating to the activities and operations of the municipal government.

(30) Edit and compile public information for distribution by the Mayor and Common Council.

(31) Advise the Mayor and Common Council on all background matters to assist it with the establishment of policy.

(32) Prepare and present to the governing body reports that may be required from time to time on municipal affairs.

(33) At the specific direction of the Mayor or Council, the Clerk Administrator shall have the power to investigate, examine or inquire into the affairs or operation of any department, division, bureau, office, board or agency of the municipal government and to report thereon to the Mayor and Common Council.

(34) Determine that all terms and conditions imposed in favor of the municipality or its inhabitants in any statute, public utility franchise or other contract, regulation or ordinance are faithfully kept and performed and, upon knowledge of any violation thereof, apprise the Mayor and Common Council.

(35) Perform any additional functions, powers or duties as may be prescribed by the Mayor and Council.

B. The duties of the Town Clerk/Administrator shall be such that they shall not infringe or derogate upon the powers, rights and duties of the elective officials of the Town, other Town officers designated by statute or by ordinance. The Town Clerk/Administrator shall be responsible to the Mayor and Common Council for the proper and efficient administration of the Town's affairs.

#### 2-17. Deputy Town Clerk.

A Deputy Town Clerk shall be appointed by the Mayor with the approval of the Council for a term of one (1) year. The Deputy Town Clerk shall receive such annual compensation as shall be provided in the salary ordinance. The Deputy Town Clerk shall assist the Clerk/Administrator in the performance of their duties and shall serve as Town Clerk/Administrator in the absence of the Town Clerk/Administrator.



### ARTICLE 3. DEPARTMENTS

#### 2-25. Department of Administration and Finance.

There shall be a Department of Administration and Finance, the head of which shall be the Town Clerk who shall serve without additional compensation.

The Department of Administration and Finance shall include the following offices and staff:

Town Treasurer

Tax Collector

Assessor

(A) Town Treasurer

The Town Treasurer shall be appointed by the Mayor with the approval of the Council for a term of three (3) years and shall receive such compensation as shall be provided for in the salary ordinance. In addition to duties specified by New Jersey Statutes, the Town Treasurer shall perform the following duties:

1. Upon the advice and approval of the Finance Chairman of the Council, invest all monies of the Town not required for the current operations or deposit same in interest-bearing accounts.
2. Make disbursements of Town funds on warrants by an individual warrant check for each bill, claim, wage and salary payment approved by the Town Clerk. Every warrant shall be made payable to the order of the person entitled to receive same and shall specify the purpose for which it is drawn and the account or appropriation for which it is chargeable. Each warrant check shall bear the signature of the Mayor, Town Clerk and Town Treasurer.
3. Keep a full and systematic account of all cash receipts and disbursements.
4. Report annually and at such time as the Council or Town Clerk may require on the coverage, expiration date and premium of each surety bond and contract of insurance.
5. Report annually and at such time as the Council or Town Clerk may require, a summary of outstanding leases, the rental requirement of each and respective expiration dates.
6. At least once a month, furnish the Council and Town Clerk with a statement of all monies received and expended by the Treasurer, subsequent to their last report.

7. During the first sixty (60) days of each year, make a full report to the Mayor, Council and Town Clerk of all of their receipts and expenditures, and whenever required, present to the Mayor, Council and Town Clerk for examination and audit, all books, papers and vouchers pertaining to their office.

8. Prepare for each regular meeting of the Council a certified list of all bills, claims and vouchers which have been approved for payment by the Town Clerk since the last preceding list was compiled.

9. Maintain the Town's central accounting records and a uniform system of accounts for all departments in the Town Government to facilitate the production of records as to the cost of performance of each functional program or activity, measured in such units as may be prescribed by the Town Clerk.

10. Pre-audit all bills, claims and demands against the Town including payrolls for which each department head shall be required to certify that the material, supplies or equipment have been received or the services rendered.

11. Obtain, at least once a month, reports of all receipts from each department of the Town.

12. Maintain a central payroll and payroll distribution system.

13. Determine that sufficient uncommitted balances are available within each appropriation to provide funds for the payment of all supplies and services requested.

14. Keep books and records of account to show the amount committed against, unpaid obligations and unencumbered balance thereof.

(B) Tax Collector.

The Tax Collector shall be appointed by the Mayor with the consent of the Council for a term of four (4) years, subject to tenure provisions of New Jersey statutes, and shall receive such compensation as shall be provided for in the salary ordinance. In addition to duties specified by New Jersey statutes, the Tax Collector shall perform the following duties:

1. Make or cause to be made and certify searches for municipal tax liens on real property in the Town, and collect for the use of the Town the fee required pursuant to law for any such search.

2. Deposit within 48 hours of receipt to the credit of the Town, all monies received in one or more depositories designated by the Council, maintain a full and complete record of accounts of all sums collected and received according to such procedures and such systems as may be prescribed or approved by the auditor of the Town's accounts, and make such periodic reports on the accounting of the funds of the Town in their custody or control as the Mayor or the Town Council may require.

3. The Tax Collector is directed to charge \$100.00 for a duplicate tax sale certificate.

(C) Assessor and Deputy Assessor.

A tax assessor, and if deemed to be necessary a deputy tax assessor, shall be appointed by the Mayor with the advice and consent of the Council for a term of four (4) years from the first day of July next following said appointment, subject to tenure provisions of New Jersey statutes. The tax assessor and deputy tax assessor shall have such qualifications as may be required by law and shall perform such duties as may be required by law. (12-29-93)

(D) Chief Financial Officer.

The Chief Financial Officer shall be the Town Treasurer who shall serve without additional compensation. The duties of the Chief Financial Officer shall be set forth under N.J.S.A. 52:27BB-26 et seq. (P.L. 1947, C.151)

2-26. Department of Law: Town Attorney.

(A) Appointment.

There shall be a Department of Law, the head of which shall be the Town Attorney. The Town Attorney shall be an Attorney at Law of the State of New Jersey and be appointed by the Mayor with the consent of the Council for a term concurrent with the term of the Mayor making the appointment.

(B) Duties:

The Town Attorney, in addition to such other functions, powers and duties as may be otherwise delegated to him by the Charter and ordinances to be adopted, shall perform the following:

1. Be the legal advisor to the Town Government and the Attorney of record in all proceedings where the Town or any department officer or employee thereof shall be a party by virtue of the official relationship.

2. Advise the Mayor, Council, Town Clerk and other committees, boards, commissions and other bodies established by statute, this code or other ordinances as part of the municipal organization, on any and all legal matters relating to the Town Government, provided that legal action shall not be instituted by the committee, board, commission or any other bodies without prior approval of the Council.

3. Attend all meetings of the Council, either regular or special, and all conferences of the Council as requested.

4. Prepare and supervise the preparation and approve all ordinances and resolutions as may be required of the Attorney.

5. Prepare and supervise the preparation of all contracts, deeds and documents required by the Council and administrative offices of the Town. The Attorney shall conduct such correspondence in connection therewith as may be necessary to advance such matters or as may be requested of him by Council.

(C) Compensation.

The Town Attorney shall receive such compensation as prescribed by ordinance or the reasonable value of services agreed upon between the Attorney and the Council.

2-27. Department of Public Works. (1995)

(A) Town Engineer: Appointment.

There shall be a Department of Public Works, the head of which shall be the Superintendent of Public Works. The Superintendent of Public Works shall be appointed by the Mayor with the approval of Council.

(B) Superintendent of Public Works: Powers and Duties Generally.

The Superintendent of Public Works shall be responsible for the proper and efficient control of all Public Works functions of the Town Government, and shall provide technical advice and assistance to all other departments of the Town Government as needed. The Superintendent of Public Works shall when necessary may, with the approval of the Town Council and within the limits of available appropriations, consult with the Town Engineer for specific projects and purposes as the Superintendent of Public Works may deem necessary for the proper administration of the functions of the department. The Superintendent of Public Works shall perform the following:

1. Perform administrative and supervisory duties in planning and organizing the installation, maintenance and repair of various public work facilities.
2. Supervise all construction and maintenance work pertaining to Public Works.
3. Provide for and supervise the maintenance of all public buildings and grounds.
4. Plan, administer and control such Public Works services as required on Town streets and roads.
5. Supervise the performance of Public Works contracts.
6. Prepare and maintain maps, plans and specifications, surveys and operating records with respect to public property, work and facilities owned or operated by the Town Government.
7. Issue such certificates, which may be necessary and approve all bills with respect to work performed under his supervision.
8. Perform such duties and make such reports as may be required by the Council or the Town Clerk.
9. Supervise all Department Employees.
10. Examples of some of the duties to be performed include:
  - (a) Supervises the care and maintenance of streets, roads, avenues, public buildings, public places and motor vehicles.
  - (b) Executes plans for the effective utilization of available funds, personnel, equipment, materials and supplies.
  - (c) Prepares department budget and maintains balances each year.
  - (d) Is responsible for all department purchases.
  - (e) Initiate standards for all equipment and materials used.
  - (f) Draws up specifications for all departments' biddings.
  - (g) Keeps up to date with changes which would affect department operations and purchase procedures.
  - (h) Maintains a working acquaintance throughout the state with contracting, engineering, and manufacturing representatives as well as state agencies.

(i) Develops suitable work programs for the varied functions of the department.

(j) Gives suitable assignments and instructions to individuals and groups and supervises their work.

(k) Makes recommendations to superiors concerning disciplinary measures, promotions and appointment of employees under his supervision.

(l) Supervises employees engaged in the work involved in the construction, maintenance and repair of streets.

(m) Makes investigations of complaints and takes proper action to see that needed repairs are made with a minimum delay.

(n) Supervises the work involved in sweeping and shoveling accumulations into containers and onto trucks; in loading, unloading and applying sand and street repair materials where needed; in cutting brush and mowing grass; and in emptying refuse containers, loading refuse and disposal of the refuse.

(o) Inspects and checks work in progress or completed to see that proper procedures are followed.

(p) Prepares suitable reports; obtains, stores, safeguards and supervises the proper use of needed equipment, materials and supplies and keeps needed records and files.

(q) May draw up plans and specifications for work performed by private contractor; follows through on public work projects undertaken by private contractors to see that such work is completed properly and that contractor complies with terms of contract.

(r) In conjunction with the Municipal Engineer, plans, designs and recommends to governing body new and improved public work facilities to meet the future needs of the community; may supervise the billing of water and sewer services.

(C) Supervisor Streets: Appointment.

The Supervisor Streets shall assist the Superintendent of Public Works in the performance of their duties and shall serve as superintendent in the absence of the Town Clerk. The Supervisor Streets shall be appointed by the Mayor with the advice and consent of the council.

(D) Town Engineer: Appointment. Power and Duties.

1. The Town Engineer shall be a graduate of an accredited college or school of engineering and shall be licensed to practice as a professional engineer in this State. The Town Engineer shall be appointed by the Mayor with the approval of the Council for a term concurrent with the term of the Mayor making the appointment.

2. The Town Engineer shall provide technical and engineering advice and assistance to the Mayor and Common Council and all departments of the Town Government as needed and within the limits of available appropriations.

(E) Town Planner: Appointment

1. The Town Planner shall be a graduate of an accredited college and shall be certified as a professional planner in this State. The Town Planner shall be appointed by the Mayor with the approval of the Council for a one year term.

2. The Town Planner shall provide planing advise and assistance to the Mayor and Common Council and all departments of the Town Government as needed and within the limits of available appropriations.

(F) Divisions.

There shall be the following divisions in the Department of Public Works:

1. Division of Engineering.
2. Division of Maintenance and Construction.
3. Division of Building Inspection.
4. Division of Recycling.

(G) Duties of Divisions.

1. The head of the Division of Engineering shall be the Town Engineer and shall perform the following:

(a) Supervise and provide office and field engineering and planning services required by the Department.

(b) Prepare plans and specifications, make surveys and maps, maintain the Town Tax Map on a current basis, and perform and design drafting work as required.

(c) Maintain departmental records and cost analysis subject to the approval of the Department Head and the Town Clerk.

2. The Division of Maintenance and Construction shall perform the following:

(a) Maintain the Town streets and roads in a clean and safe condition for travel, and provide such Public Works services as may be required in connection therewith.

(b) Operate, maintain, clean and repair all municipal buildings, including the library and community center other than the firehouses. The operation, maintenance, cleaning and repair of the firehouses will be by mutual agreement between the Town and fire companies.

(c) Control the use of all Town equipment, maintenance buildings, and storage areas used by the Department.

(d) Maintain and cultivate Town grounds.

(e) Perform capital improvement, maintenance and construction projects.

3. The head of the Division of Building Inspection shall be Construction Official. The Inspector shall be appointed by the Mayor with the consent of the Council for a term concurrent with the term of the Mayor making the appointment. The Construction Official shall administer the provisions of the Building Code and Zoning Ordinance and such other provisions of law or ordinances as may vest functions, powers or duties in a Building Inspector, Building Official or Zoning Officer.

4. The head of the Division of Recycling shall be the recycling coordinator. The recycling coordinator shall administer all recycling programs within the Town of Hackettstown.

#### 2-28. Police Department.

(A) Chief of Police: Appointment.

There shall be a Police Department, the head of which shall be the Chief of Police. The Chief shall be appointed by the Mayor with the consent of the Council, subject to Civil Services Rules and Regulations, and shall receive such annual compensation as provided in the salary ordinance.

(B) Duties.

The Police Department shall have all the functions, powers and duties as prescribed by law for a municipal Police Department generally, or by any provision of the Charter and ordinances of the Town.

(C) Hours.

The Police Department shall provide comprehensive Police services twenty-four (24) hours a day. The Department Head may require any officer or employee to be in attendance for work at any time whenever they determine that an emergency or need requires.

2-28A. Contracted Off-Duty Employment (2001)

A. Purpose. For the convenience of those persons and entities which utilize the services of off-duty law enforcement officer of the Town of Hackettstown Police Department and to authorize the outside employment of Town Police while off-duty, the Town hereby establishes a policy regarding the use of said officers.

1. Members of the Police Department shall be permitted to accept police related employment for private employers or school districts only during off-duty hours and at such times as will not interfere with the efficient performance of regularly scheduled or emergency duties for the Town.

2. Any person or entity wishing to employ off-duty police shall first obtain the approval of the Chief of Police or his designee, which approval shall be granted if in the opinion of the Chief, such employment would not be inconsistent with the efficient functioning and good regulation of the Police Department, and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work.

3. The request for service shall be in writing and shall include the number of police officers required and the total estimated hours the officers are required.

4. Prior to any officer beginning the off duty employment, the person or entity requesting the officer shall deposit with the Town Chief Financial Officer an amount equal to 120% of the hourly rate for the officer, administrative expense and vehicle use. Payment to all officers will be made out of these funds and will be returned upon the conclusion of the off duty employment.

B. Requests for Services.

1. All requests to the Town of Hackettstown for the services of off-duty law enforcement officers in the Hackettstown Police Department shall be forwarded to the Chief of Police or his designee, for assignment at least two (2) work days before such services are required, except for emergency situations involving a utility company.

2. Any law enforcement officers, when so employed, shall be treated as an employee of the Town provided however, that wages earned from outside employment shall not be applied toward the pension benefits of law enforcement officers so employed, nor shall hours worked for outside employment be considered in any way compensable as overtime.

C. Rates of Compensation; Administrative Fee; Payment for Services

1. Rates of compensation for contracting the services of off-duty law enforcement officers shall be established from time to time by the Mayor and Common Council, as reflected in paragraph 5 below.

2. An additional fee is hereby established to cover administrative costs, overhead and out-of-pocket expenses of the Town of Hackettstown. The amount of said fee shall be as reflected in paragraph 5 below.

3. Payment to off-duty law enforcement officers for outside employment shall be made through the Town's payroll process.

4. Payment for a patrol vehicle utilized during off-duty law enforcement services will be in an amount as shown in paragraph 5 below.

5. Officers required to work special events approved under Chapter 8, Article 2A shall be paid as though they are on duty. This section shall not be applicable thereto.

6. In the event any municipal contributions are legally required for pension, social security, medicare, workers compensation, disability or other cost, the contracting company shall pay the Town's required contribution.

2-29. Department Heads in General.

(A) Duties.

The head of each department subject to the Charter and ordinances of the Town and subject to the approval of the Town Council, shall by regulation establish the following:

1. The internal operation of the department by supervising the work of the department and the assignment of function, power and duties of subordinate officers and employees within the department.

2. Submit to the Town Clerk annually, a recommended current expense and capital budget for the department.

3. At least once a month, file reports of all receipts with the Town Treasurer.

4. Report at least annually to the Mayor, in such form as may be approved, on the work of the department of the preceding year.

(B) Subordinate Employees.

Each Department Head shall have the power, except as herein otherwise specifically provided, to appoint, suspend or remove subordinate officers and employees within the department subject to the approval of the Mayor.

Any such subordinate officer or employee may also be removed by resolution of the Council subject to the laws of the State of New Jersey.

(C) Records and Papers.

Upon the expiration of their term of office or their removal or resignation therefrom, each officer and employee shall forthwith surrender to their superior, all papers, records, maps and properties of the Town then in their custody or possession.

2-30. Fire Department.

(A) Establishment.

There shall be a Fire Department of the Town of Hackettstown to consist of the Vigilant Hook and Ladder Co., No. 1, and the Cataract Hose Company, No. 1, and such other volunteer fire companies as may be deemed necessary by the Fire Department and approved by the Mayor and Common Council.

(B) Duties.

The Fire Department on a 24-hour per day service shall provide comprehensive fire fighting services.

(C) Ownership and Use of Vehicles, Equipment and Buildings.

All vehicles, apparatus and equipment purchased by the Town of Hackettstown shall be owned by the Town of Hackettstown but may be utilized by the volunteer members of the fire companies. The buildings presently owned by the Town of Hackettstown located on Moore Street and on Miller Street which are utilized for Fire Department purposes shall be leased to the Hackettstown Fire Department and such shall be under the control and supervision of the Town of Hackettstown.

(D) Rules and Regulations.

The rules and regulations of the Department shall be the by-laws of each fire company, which shall become a part of this section.

(E) Appointment of Officers; Terms of Office.

The Mayor shall appoint officers, said appointments to be made on January 1st of each year as recommended by the Department. Such individuals shall hold office for one (1) year or until their successors have been duly appointed and qualified.

(F) Qualifications for Membership.

The following qualifications shall be necessary for appointment as a fireman, but no active fireman now in good standing shall be debarred from further active membership. Each applicant shall be:

1. A Citizen of the United States.
2. A resident of the Town of Hackettstown.
3. Not less than eighteen (18) of age.
4. Of good health and physical fitness to perform as fireman; and
5. Of good moral character.

(G) Immediate Response to Fire.

It shall be the duty of said companies, if any fire breaks out, to proceed immediately to their respective firehouses and to convey their apparatus to the fire, unless otherwise authorized by the officer present, and to remain under their officer's direction until released.

(H) Quarterly Reports.

It shall be the duty of the Chief to report quarterly to the Mayor and Council the condition of all fire-fighting apparatus and appurtenances, the number and date of all fires during the month, probable cause, and the number of active fireman in each company, and to make at that time such recommendations as will in their opinion make for the efficiency and betterment of the department.

ARTICLE 4. NON-DEPARTMENTAL BOARDS,  
COMMISSIONS, OFFICERS AND THEIR STAFFS

2-30. Non-departmental Boards, Commissions.

The following non-departmental Boards, Commissions, Officers and their staffs are continued as heretofore established:

1. Board of Health.
2. Environmental Commission.
3. Economic and Industrial Development Commission.
4. Municipal Court.
5. Municipal Utilities Authority.
6. Parking Authority.
7. Planning Board.
8. Recreation Commission.
9. Shade Tree Commission.
10. Zoning Board of Adjustment.
11. Hackettstown Construction Enforcing Agency.
12. Design Committee.

## ARTICLE 5. TRANSITIONAL PROVISIONS

### 2-35. Transitional Provisions.

All persons holding office, positions or employment in the Town Government under a title of office which is continued by this Administrative Code, and whose term of office or appointment shall not have expired as of June 19, 1972, shall continue in their respective offices, positions and employments, and with the same term, tenure and compensation as heretofore. (6-19-72)