

INCORPORATION OF THE TOWN OF HACKETTSTOWN

The Town of Hackettstown was originally incorporated in 1853 by a Special Act of the Legislature (P.L. 1853, page 344). Subsequently, there were numerous amendments to the Charter which are no longer of interest except for the following acts changing the boundaries of the Town:

Boundary Alterations

Year

1857	To Alter, etc., With Mansfield Township	P. L. Page 256
1860	Part of Mansfield Set Off	P. L. Page 187
1872	To Alter, etc., With Mansfield Township	P. L. Page 373
1875	Part of Mansfield Set Off	P. L. Page 439

On September 23, 1970, an Act to provide a special charter for the Town of Hackettstown was adopted by the Legislature. This act was approved by the voters on November 3, 1970, and became effective at that time. The charter reads as follows:

1970 CHARTER
OF THE
TOWN OF HACKETTSTOWN
WARREN COUNTY, NEW JERSEY

AN ACT to provide a special charter for the Town of Hackettstown, in the County of Warren.

WHEREAS, the Mayor and Council of the Town of Hackettstown have prepared and recommended the enactment of a special charter for the Town of Hackettstown, in the County of Warren; and

WHEREAS, the Mayor and Council of the Town of Hackettstown have duly petitioned the Legislature for the enactment of a special charter pursuant to the provisions of Section I Chapter 199 of the Laws of 1948, as amended, and in accordance with the requirements of Article IV, Section VII, Paragraph 10 of the Constitution of 1947;

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

ARTICLE 1

GENERAL PROVISIONS

1.1. Short Title.

This act shall be known and may be cited as the Hackettstown Charter (1970).

1.2. Definitions.

For the purposes of this act, unless otherwise required by the context:

(a) "Mayor" shall mean the chief executive officer of the Town of Hackettstown elected pursuant to the Charter.

(b) "Council" shall mean the Town Council of the Town of Hackettstown elected pursuant to the Charter.

(c) "Councilman" shall mean those members of the Council other than the Mayor.

(d) "Officers" shall mean any department head on the full or part-time payroll of the Town.

(e) "Employee" shall mean any person on full or part-time payroll of the Town other than an Officer.

(f) "Charter" shall mean this act and any amendment or supplement hereto, and any general law not inconsistent herewith which may be applicable to the Town.

(g) "Town" shall mean the Town of Hackettstown in the County of Warren.

(h) "General Law" shall be deemed to be any 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:

Laws relating to taxation, local courts, education, health, public authorities serving more than one municipality, and municipalities in unsound financial condition.

1.3. Powers Generally.

(a) In addition to such other powers as may be delegated by general law, and without limitation thereto, and notwithstanding the provisions of Chapter 123 through Chapter 141 of Title 40 of the New Jersey Revised Statutes (R. S. 40:123-1 through R. S. 40:141-1), the Town shall have full power to:

(1) Organize and regulate its internal affairs, establish, alter and abolish offices, positions and employments and to define the functions, powers and duties thereof and fix their term, tenure and compensation; and to effectuate these ends and purposes to adopt an Administrative Code not in conflict with the Charter and the general law;

(2) Adopt and enforce local police ordinances of all kinds and impose fines, penalties and sentences as provided by general law;

(3) Construct, acquire, operate or maintain any and all public improvements, projects or enterprises for any public purpose;

(4) Sue and be sued, to have a corporate seal, to contract to buy, sell, lease, hold and dispose of real and personal property, to appropriate and expend monies, and to adopt, amend and repeal such ordinances and resolutions as may be required for the good government thereof;

(5) Exercise powers of condemnation, borrowing and taxation in the manner provided by general law;

(6) Exercise all powers of local government in such manner as its governing body may determine.

1.4. Construction of Powers Generally.

The general grant of municipal powers contained in this Act 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 general law shall not be construed in any way to limit the general grant of powers contained in this Act, and any such specifically enumerated municipal powers shall be construed as in addition and supplementary to the powers conferred in general terms by this Act.

1.5. Intergovernment Relations.

The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states, political subdivisions or agencies thereof, the United States of America or any agency thereof.

1.6. This Act is Controlling.

The provisions of Articles 1, 2, 3, 4 and 5 of this Act shall control, notwithstanding the provisions of Chapter 123 through Chapter 141 of Title 40 of the New Jersey Revised Statutes (R. S. 40:123-1 through R. S. 40:141-1).

ARTICLE 2

GOVERNING BODY

2.1. Mayor-Council Governmental Form.

(a) The Town shall be governed by an elected Mayor and Council who shall be chosen in the manner and for the terms hereinafter provided, and by such other officers and employees as may be duly appointed pursuant to this Charter, general law or ordinance.

(b) The Mayor and Council Members shall have been citizens, residents and registered voters of the Town for at least two (2) years immediately preceding their respective elections.

2.2. Council Membership.

The Town shall be governed by a governing body consisting of a six-member Council, elected at large, and the Mayor, elected at large.

2.3. Mayor, Council: Election, Term, Continuation in Office.

(a) The Mayor shall be elected at large by the voters of the Town at the general election to be held on the first Tuesday after the first Monday in November, or at such other times as may be provided by law for holding general elections, and shall serve for a term of three (3) years, beginning January 1st next following his election and until the election and qualification of his successor.

(b) Members of the Council shall be elected at large by the voters of the Town for a term of three (3) years, beginning January 1st next following their respective elections at the general election be held on the first Tuesday after the first Monday in November, or at such other times as may be provided by law for holding general elections. Each Councilman shall serve until the election and qualification of his respective successor.

(c) On the date on which this Act shall become operative, the then Mayor and Council Members shall continue to hold office for the remainder of their unexpired terms until their successors shall have been elected in the regular municipal elections.

2.4. Vacancies.

Vacancies in any elective office shall be filled for the remainder of the unexpired term at the next general election occurring not less than sixty (60) days after the occurrence of the vacancy. The Council shall fill the vacancy temporarily by appointment to serve until the qualification of the person so elected.

ARTICLE 3

TOWN COUNCIL

3.1. Powers.

(a) The Council shall exercise the legislative power of the Town and shall have and exercise all other powers of local government not otherwise allocated by this Charter, except as may be otherwise provided by general law.

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

3.2. Procedure and Legislation.

(a) The Council shall conduct a regular public meeting at least once a month at such time as the Council shall prescribe by rule. The Mayor may, and upon written request of four (4) Councilmen, shall call a special public meeting of the Council at any time. Notice of such special meeting shall be given as may be provided by ordinance.

(b) Four (4) Councilmen shall be required to make a quorum whether the Mayor is present or not.

(c) The Council shall organize at its first meeting after the first of the year and shall determine its own rules of procedure not inconsistent with this Charter or any other statute or ordinance.

(d) All ordinances shall be adopted and published in the manner provided 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 (10) copies of said regulations or code have been placed on file in the office of the Town 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.

(e) The Mayor shall not vote except to cast the deciding vote in case of a tie and shall not be counted as part of the governing body in determining, in accordance with any general law or bond law, whether or not a particular ordinance has been adopted by a certain percentage of the governing body, except in the case where he actually casts a vote in case of a tie.

ARTICLE 4

MAYOR

4.1. Powers and Duties.

(a) The executive power of the Town shall be vested in the Mayor, except as may be expressly delegated by ordinance.

(b) The Mayor shall enforce the Charter and ordinances of the Town and all general laws applicable thereto.

(c) The Mayor shall preside over meetings of the Council, but shall not vote, except in case of a tie to cast the deciding vote, and appoint committees of the Council.

(d) Ordinances adopted by the Council shall be submitted to the Mayor, and he shall, within ten (10) 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 Town Clerk, together with a statement setting forth his objections thereto or to any item or part thereof. No ordinances 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 (10) days after it has been presented to him, or unless Council, upon consideration thereof, on or after the third day following its return by the Mayor shall, by a vote of four (4) affirmative votes by four (4) Councilmen, resolve to override the Mayor's veto.

(e) The Mayor shall perform the following duties except as they may be expressly delegated by ordinance:

(1) Direct and supervise the administration of the departments of the Town Government, except as otherwise provided by general law or ordinance;

(2) Provide for the organization of the work of the departments, subject to the requirements of an administrative code as hereinbefore provided in this Charter to be adopted by the Town Council;

(3) Review the administration and operation of each of the departments and recommend to the Council from time to time such measures as he may deem necessary or desirable for the purpose of improving the efficiency and the economy of the Town Government;

(4) Review, analyze and forecast trends in Town services and finance, and report and recommend thereon to the Council;

(5) Prepare an annual current expense budget and an annual capital budget for consideration by the Council and recommend long range capital improvement programs;

(6) Enforce and execute the provisions of the Charter and all other laws, resolutions and ordinances;

(7) Perform such other functions and duties as may be prescribed by ordinance or resolution.

(f) The Mayor shall annually report to the Council and the public on the work of the previous year and on the condition and requirements of the Town Government and shall, from time to time, make such recommendations for action by the Council as he may deem necessary or advisable.

(g) The Mayor shall, with the advice and consent of the Council, make all appointments for which no other provision is made by this Charter or by general law.

(h) The Mayor shall have the power to remove all officers and employees, with cause, and with the advice and consent of the Council.

(i) No action taken by the Mayor pursuant to subsections (g) and (h) of Section 4.1. shall be taken in a manner inconsistent with the provisions of Title 11 of the New Jersey Statutes, where applicable.

(j) The Council shall designate at the organization meeting of the Council a member of the Council and an alternate (also a member of the Council) 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 as the Mayor shall possess all the rights, powers and duties of the Mayor and shall have the voting power of the Mayor.

ARTICLE 5

ADMINISTRATION

5.1. Organization.

(a) All executive and administrative functions, powers and duties of the Town, except as otherwise expressly provided by the Charter, shall be allocated and assigned by ordinance among and within departments, boards, or other administrative agencies so far as practical according to major purpose. The head of each department shall be a single executive who shall be appointed by the Mayor with the approval of the Council. A department head may be removed by the Mayor, for cause, with the approval of the Mayor and Council, upon notice and an opportunity to be heard.

(b) All departments, boards or other administrative agencies shall keep, maintain and have available for examination by Council, all records, reports, publications, documents and papers pertaining to the operation and function of such departments, boards or administrative agencies and shall, upon request of Council, furnish such information as Council may, from time to time, direct.

(c) Department heads shall promulgate rules and regulations with respect to their departments and shall, with the approval of the Mayor, appoint employees within the respective departments and may remove such employees subject to the provisions of the general law and ordinances; provided, however, that Council may provide by ordinance for the appointment and removal of specific boards or commissions by the Mayor.

5.2. Budget.

(a) The Town budget shall be prepared by the Mayor. The Mayor shall require all department heads to submit requests for appropriations for the ensuing budget year, and to appear before the Mayor upon his request.

(b) The Mayor shall submit to the 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. The Council may add or delete, increase or reduce, any items in the budget by a vote of a majority of the Council.

(c) The Council shall, where practicable, provide for the maintenance of a system of work programs and periodic allotments for operation of the budget. It shall be the duty of the officer or

department administering any such program to develop and report appropriation unit costs of budgeted expenditures.

ARTICLE 6

TRANSITION

6.1. Schedule of Installation of Provisions of Act.

In the event of the adoption of this Act by a majority of the voters of the Town of Hackettstown, in the County of Warren, the first election shall take place on the first Tuesday after the first Monday in November, pursuant to the provisions of Section 2.4.

6.2. Corporate Status.

Upon the adoption of this Act by the voters in the manner hereinafter provided in Article 7, the inhabitants of the Town of Hackettstown, in the County of Warren, within the corporate limits as heretofore or hereafter established, shall be and remain a body politic and corporate, with perpetual succession. The corporate name shall be: THE TOWN OF HACKETTSTOWN. The Town shall be governed by the provision of this Act, and by such provisions of general law heretofore or hereinafter enacted, which are not inconsistent with the provisions of this Act.

6.3. Charter and Ordinances.

On the date on which this Act shall become operative, any Charter heretofore adopted by the Town shall be superseded. All ordinances and resolutions of the Town, to the extent that they are not inconsistent with this Act, shall remain in full force and effect.

6.4. Continuation of Offices, Employments and Agencies.

On the date on which this Act shall become operative, all persons holding offices or employment under the Town Government shall continue in their respective offices and employment for the remainder of their unexpired terms or under such tenure and employment rights as they may then have, subject to law; and all boards, bodies, agencies and instrumentalities of the Town shall also continue, and the members thereof shall also continue for the remainder of their unexpired terms.

6.5. Pending Proceedings.

All actions and proceedings of a legislative, executive or judicial character which are pending upon the operative date of this Act shall continue and the appropriate agency, officer or employee

under this Act shall be substituted for the agency, officer or employee theretofore exercising or discharging the function, power or duty involved in such action or proceeding.

ARTICLE 7

ADOPTION OF CHARTER BY VOTERS

7.1. Act Operative Only After Adoption By Voters.

This Act shall become operative only after it is adopted by vote of the legally qualified voters of the Town of Hackettstown, in the County of Warren.

7.2. Submission of Question of Adoption.

The question of the adoption of this Act shall be submitted to the vote of the legally qualified voters of the Town of Hackettstown, in the County of Warren, at the next general election held not less than forty (40) days after the passage of this Act.

7.3. Ballots.

(a) There shall be presented on each official ballot to be used at such election, the following: "If you favor the proposition printed below mark a cross (X) or plus or check (✓) in the square opposite the word "Yes". If you are opposed thereto make a cross (X) or plus (+) or check (✓) in the square opposite the word "No".

	Yes	"Shall 'An Act to provide a special Charter for the Town of Hackettstown in the County of Warren' be adopted?"
	No	

7.4. This Act shall take effect immediately but shall remain inoperative, except for the provisions of this Article 7, unless and until at such election a majority of all the votes cast both for and against the adoption of this Act shall be cast in favor of the adoption thereof.

ADOPTING ORDINANCE

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE TOWN OF HACKETTSTOWN, IN THE COUNTY OF WARREN, NEW JERSEY, PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN AND THE SAVING FROM REPEAL OF CERTAIN OTHER ORDINANCES NOT INCLUDED THEREIN, AND FOR OTHER PURPOSES RELATING THERETO AND CONNECTED THEREWITH.

WHEREAS, the Mayor and Common Council of the Town of Hackettstown, in the County of Warren, New Jersey (hereinafter referred to as the Common Council) has caused its ordinances of a general and permanent nature to be compiled and revised and the same embodied in a revision and codification thereof known as "Code of the Town of Hackettstown, New Jersey, 2002".

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HACKETTSTOWN AS FOLLOWS:

Section 1. The ordinances of the Town of Hackettstown of a general and permanent nature, as codified in the following chapters, namely Chapters 1 to 18, both inclusive, are ordained as general ordinances and are adopted as "Code of the Town of Hackettstown, New Jersey, 2002".

Section 2. All of the provisions of the "Code of the Town of Hackettstown, New Jersey, 2002" shall be in force and effect on and after the effective date of this ordinance.

Section 3. All ordinances of a general and permanent nature adopted by the governing body of the Town of Hackettstown and in force on the 31st day of December 2001, and not contained in the "Code of the Town of Hackettstown, New Jersey, 2002", are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided in Section 4.

Section 4. The repeal provided for in Section 3 of this ordinance shall not affect:

1. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
2. Any prosecution, action, suit or other proceeding pending on any judgment rendered on or prior to the effective date of this ordinance;
3. Any right or franchise conferred by the Common Council;
4. Any right, right-of-way or easement acquired, established or vacated in any street, road, highway, park or other public place within the Town of Hackettstown;
5. Any ordinance of the Town of Hackettstown providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any street, road, highway, park or other public place within the Town or any portion thereof;

6. Any ordinance or resolution promising or guaranteeing the payment of money by or for the Town of Hackettstown or authorizing the issuing of bonds of the Town or other evidence of the Town's indebtedness or any contract of or obligation assumed by the Town;
7. The annual budget appropriation ordinances or resolutions and all ordinances and resolutions appropriating money or transferring funds;
8. The administrative ordinances or resolutions of the Common Council not in conflict or inconsistent with the provisions of this Code;
9. Any provision of an ordinance or resolution of the Common Council creating employment, positions or offices and fixing duties therefor which are not provided for in this Code and which are not in conflict or inconsistent therewith;
10. Any provision of an ordinance or resolution of the Common Council fixing the compensation or salaries of the Town officials and the employees or the pay and compensation of positions and clerical employment which are not provided for in this Code and which are not in conflict or inconsistent therewith;
11. An ordinance authorizing a contract between the Town and the Town of Hackettstown Municipal Utilities Authority providing for and relating to the sale and supplying of water and the treatment and disposal of sewage in the Town and providing for the payment of the cost and expense of such treatment and disposal;
12. An ordinance granting a franchise right and authority to Comcast Cable Company, to construct, maintain and operate video and television coaxial cables upon, along, over and under streets, alleys, bridges and other public places of the Town of Hackettstown;
13. All ordinances authorizing entering into an agreement with the Parking Authority of the Town of Hackettstown;
14. Any ordinance of the Common Council adopted on final passage after the 31st day of December 2001;
15. Any ordinance adopted by the Board of Health of the Town of Hackettstown, New Jersey;
16. Any ordinance adopted by the Shade Tree Commission of the Town of Hackettstown.

Section 5. A copy of the "Code of the Town of Hackettstown, New Jersey, 2002", has been filed in the office of the Town Clerk and shall remain there for the use and examination of the public until final action is taken on this ordinance.

Section 6. One (1) copy of the "Code of the Town of Hackettstown, New Jersey, 2002" shall be and remain on file in the office of the Town Clerk and be made available to persons desiring to examine same if this ordinance shall be adopted and while the same shall be in effect.

Section 7. The said "Code of the Town of Hackettstown, New Jersey, 2002" shall be published in book form under the seal of the Town of Hackettstown.

Section 8. The provisions of the Zoning Ordinance and Subdivision Ordinance of the Town of Hackettstown entitled "The Land Development Ordinance of the Town of Hackettstown", which is herein designated as Chapter 15 of the Code, does not contain new features and are not to be considered as new enactments, but are included herein for clarification and to provide easy access thereto. These ordinances are the same as originally approved by the Planning Board and the governing body.

Section 9. This ordinance shall take effect immediately upon passage and publication according to law.

I HEREBY CERTIFY that the foregoing is a true copy of an ordinance passed and approved on second and final reading by the Common Council of the Town of Hackettstown, in the County of Warren, New Jersey, at a regular meeting held on _____, 2002.

WILLIAM W. KUSTER, JR.
Town Clerk/Administrator