

SENATE, No. 547

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

SYNOPSIS

Special legislation changing name of the “Township of South Orange Village” to “South Orange Village”; replaces treasurer with chief financial officer; replaces village president with mayor; replaces village counsel with village attorney.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning certain provisions in the charter for the
2 Township of South Orange Village in the county of Essex, and
3 amending P.L.1977, c.183.
4

5 **WHEREAS**, The Board of Trustees of the Township of South Orange
6 Village in the county of Essex has petitioned the Legislature for the
7 passage of a special law to provide a new charter for the township,
8 pursuant to Article IV, Section VII, paragraph 10 of the
9 Constitution of 1947, and in accordance with the procedure
10 prescribed by P.L.1948, c.199 (C.1:6-10 et seq.); and

11 **WHEREAS**, Notice of the intention to apply for the passage of such
12 special law has been duly published, and the original of the petition,
13 together with proof of publication of the ordinance before adoption
14 and proof of publication after adoption have been duly presented
15 and filed; now, therefore,
16

17 **BE IT ENACTED** by the Senate and General Assembly of the State
18 of New Jersey:
19

20 1. Section 1 of P.L.1977, c.183 is amended to read as follows:
21 Article I. General Provisions and Powers

22 1.1 Short Title. This Act shall be known and may be cited as
23 the Charter of **the Township of South Orange Village (1977)** .

24 1.2 Incorporation. The inhabitants of the Village of South
25 Orange, in the County of Essex, within the boundaries heretofore
26 established by law or as may be hereafter amended, shall be and
27 remain a municipal body corporate and politic with perpetual
28 succession and shall be designated as **the Township of South**
29 **Orange Village**.

30 1.3 Definitions. For the purposes of this Act, and for the
31 interpretation of any law, ordinance or resolution applicable to the
32 village, unless the context otherwise requires:

33 (a) “Charter” means this Act and all statutory provisions of the
34 State of New Jersey, which by their terms are now or may hereafter
35 be applicable to the village and which are not inconsistent with this
36 Act.

37 (b) **“Board of Trustees” or “Board”** means the governing body
38 of the village, constituted and elected pursuant to the Charter.

39 (c) “President” means the Village President duly elected
40 pursuant to the Charter.

41 (d) “Ordinance” means any act of local legislation heretofore or
42 hereafter adopted pursuant to law **“Council” means the governing**
43 **body of the village (formerly known as the “Board of Trustees”),**
44 **constituted and elected pursuant to the Charter**

45 (c) “Council Member” means a member of the governing body
46 (formerly known as “Trustee”).

EXPLANATION – Matter enclosed in bold-faced brackets **thus** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 (d) “Mayor” means the Mayor (formerly known as the “Village
2 President”).
- 3 (e) “Month” means a calendar month unless otherwise
4 specifically provided.
- 5 (f) “Ordinance” means any act of local legislation heretofore or
6 hereafter adopted pursuant to law.
- 7 (g) “Person” means any corporation, firm, partnership,
8 association, organization or other entity, as well as an individual.
- 9 **[(g)]** (h) “Village” means [the Township of] South Orange
10 Village within the boundaries now existing or which may be
11 hereafter established pursuant to law.
- 12 **[(h)]** (i) “Year” means a calendar year unless otherwise
13 specifically provided.
- 14 1.4 Construction. For the purposes of the Charter,
15 Administrative Code and other ordinances heretofore or hereafter
16 adopted, except as the context may otherwise require:
- 17 (a) The present tense includes the past and future tenses and the
18 future, the present.
- 19 (b) **[(The masculine gender includes the feminine and neuter)]**
20 Both genders shall be explicitly referenced throughout the Charter.
- 21 (c) The singular number includes the plural and the plural, the
22 singular.
- 23 (d) The time within which an act is to be done shall be
24 computed by excluding the first and including the last day, and if
25 the last day be a Saturday, Sunday or legal holiday, that day shall be
26 excluded.
- 27 (e) “Writing” and “written” includes printing, typewriting and
28 any other mode of communication using paper, digitally processed
29 data, image processed document, or similar material which is in
30 general use, as well as legible handwriting.
- 31 1.5 Powers. In addition to such powers as may otherwise be
32 conferred by the Charter, and subject to the provisions of the
33 Charter, the village may:
- 34 (a) Organize and regulate its internal affairs, and establish, alter,
35 and abolish offices, positions and employments, provide for their
36 manner of appointment and removal, and define the functions,
37 powers and duties thereof, and fix their term, tenure and
38 compensation;
- 39 (b) Adopt and enforce ordinances, subject to due process of law,
40 to regulate persons and property, and to provide for the health,
41 safety and general welfare of the inhabitants of the village, and for
42 the good government thereof;
- 43 (c) Construct, acquire, operate or maintain any and all public
44 improvements, projects or enterprises for any public purpose,
45 subject to referendum requirements otherwise imposed by law;
- 46 (d) Sue and be sued, have a corporate seal, contract and be
47 contracted with, buy, sell, lease, hold and dispose of real and
48 personal property, appropriate and expend moneys, and adopt,

1 amend and repeal such ordinances and resolutions as may be
2 required for the management of the village and the good
3 government thereof;

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

6 (f) Exercise all powers of local government in such manner as
7 its governing body may determine, subject to the Charter.

8 1.6 Self-Government Generally. The general grants of
9 municipal power contained in this Article are intended to confer the
10 greatest powers of local self government consistent with the
11 Constitution of this state. Any specific enumeration of municipal
12 powers contained elsewhere in the Charter shall not be construed in
13 any way to limit the general description of power contained in this
14 Article, and any such specifically enumerated municipal powers
15 shall be construed as in addition and supplementary to the powers
16 conferred in general terms by this Article. All grants of power to
17 the village, whether in the form of specific enumeration or general
18 terms, shall be liberally construed, as required by the Constitution
19 of this state, in favor of the village.

20 1.7 Charter Review. The **【Board of Trustees】** Council or a
21 committee designated by the **【Board】** Council shall review this
22 Charter at least once every twelve years and shall prepare a report
23 on the functioning of the Charter including any suggested
24 amendments to the Charter.

25 Article II. The Governing Body

26 2.1 Municipal power. The governing body of the village shall
27 be the **【Board of Trustees】** Council. It shall exercise all municipal
28 powers except as otherwise specifically provided by this Charter.
29 The **【Board of Trustees】** Council shall function primarily as a
30 legislative body devoted to policymaking and long range planning.

31 2.2 Elections: **【Trustees and Village President】** Council
32 Members and Mayor. The **【Board of Trustees】** Council, consisting
33 of six **【Trustees】** Council Members, and a **【Village President】**
34 Mayor, shall be nominated and elected at large, by a plurality of
35 votes, in accordance with **【the provisions of Chapter 161 of Title 40**
36 **of the Revised Statutes】** either paragraph 2.2.1 or 2.2.2 as may from
37 time to time be determined by ordinance in accordance with
38 prevailing law. **【A】**

39 2.2.1 In accordance with the provisions of Chapter 45 of Title
40 40 of the Revised Statutes, a municipal election shall be held
41 biennially on the second Tuesday in May. Immediately following
42 the election, the results shall be certified to the Village clerk.

43 2.2.2 In accordance with the provisions of Chapter 45 of Title
44 40 of the Revised Statutes, a nonpartisan municipal election shall be
45 held biennially on the first Tuesday after the first Monday in
46

1 November. Immediately following the election, the results shall be
2 certified to the Village clerk.

3 2.3 Qualification; term.

4 (a) The **【Village President】** Mayor and each **【Trustee】** Council
5 Member shall be a resident and legal voter of the village for at least
6 one year preceding the election at which such person is chosen.

7 (b) The **【Village President】** Mayor and each **【Trustee】** Council
8 Member shall serve for a term of four years beginning at noon on
9 the third Monday in May next following his or her election, if in
10 May, or at noon on the first day of January next following his or her
11 election, if in November. **【Of the six Trustees, three shall be**
12 **elected biennially. The members of the Board of Trustees first to be**
13 **elected under this Charter shall have such terms as shall be**
14 **determined under Article VII hereof.】**

15 2.4 Vacancies.

16 **【(a)】** A vacancy in **【the】** an office of the **【Village President or**
17 **Trustee】** Mayor or Council Member occurring during a term shall
18 be filled **【by the Board of Trustees, by the affirmative vote of at**
19 **least four Trustees, for the remainder of the unexpired term. In the**
20 **event the Board of Trustees fails, for whatever reason, to fill the**
21 **vacancy at its second regular meeting following its occurrence, the**
22 **vacancy shall be filled by election in the same manner as provided**
23 **by Paragraph (b) hereof】** in accordance with general law.

24 **【(b)】** If there shall be more than one vacancy in the office of
25 Trustee or if the offices of Village President and one or more
26 Trustees become vacant at the same time, the vacancies shall be
27 filled by election at the next general or regular municipal election to
28 be held not less than 60 nor more than 120 days after the occurrence
29 of the last of such vacancies to occur. If no general or regular
30 municipal election is to be held within such period, a special
31 election within such period shall be called by the Village clerk.】

32 2.5 Organization. The **【Board of Trustees】** Council shall
33 provide for its organization and rules of procedure, not inconsistent
34 with the Charter.

35 2.6 Meetings. The **【Board of Trustees】** Council shall hold an
36 annual organizational meeting on the third Monday of May, or on
37 the first day of January in each year, depending on whether May or
38 November elections are held, and shall convene other meetings at
39 such times and places as shall be fixed by the **【Board of Trustees】**
40 Council. Special meetings may be called by the **【Village**
41 **President】** Mayor whenever he / she deems necessary and shall be
42 called by him or her upon written request signed by three members
43 of the **【Board of Trustees】** Council. If by reason of absence, or
44 from any other cause, the **【Village President】** Mayor does not call
45 such meeting, the Village clerk shall then issue the call for the
46 same, upon receiving such written request signed by three members.

1 2.7 Procedures.

2 (a) Generally. The procedures of the **【Board of Trustees】**
3 Council shall be governed by or pursuant to the Charter. In the
4 event of a conflict between any other applicable laws and this Act,
5 this Act shall prevail.

6 (b) Voting; quorum. Four **【Trustees】** Council Members shall
7 constitute a quorum for the transaction of business. The vote upon
8 every ordinance shall be taken by roll call and the yeas and nays
9 shall be entered on the minutes. The minutes of each meeting shall
10 be signed by the officer presiding at such meeting and by the clerk
11 of the **【Board】** Council.

12 (c) **【Village President】** Mayor; Presiding Officer. The **【Village**
13 **President】** Mayor shall preside over meetings of the **【Board of**
14 **Trustees】** Council and may participate in discussions at all meetings
15 of the **【Board**, but shall have no vote except as provided in Article
16 **III】** Council.

17 2.8 Investigations; removals.

18 (a) The **【Board of Trustees】** Council may make investigations
19 into the affairs of the village and the conduct of any village
20 department, office, commission or agency, and for this purpose may
21 administer oaths, take testimony and require the production of
22 evidence, as provided by general law.

23 (b) Except as otherwise provided by law, the **【Board of**
24 **Trustees】** Council may remove any officer or employee, over whom
25 it has the power of appointment, for cause, upon notice and
26 opportunity to be heard.

27 2.9 Compensation. The **【Village President】** Mayor and
28 **【Trustees】** Council Members shall not receive any compensation or
29 emoluments for their services, whether directly or indirectly.

30 2.10 **【Judge of qualifications; powers of expulsion】** Vacancy
31 in office. A vacancy in the office of the Mayor shall be filled in
32 accordance with general law.

33 **【(a) The Board of Trustees shall be the judge of the election and**
34 **qualifications of its members.**

35 (b) The Board of Trustees by the affirmative vote of four
36 Trustees shall have the power to declare vacant the office of any
37 Trustee who fails to attend the regular monthly meeting of the
38 Board for three successive months.】

39 2.11 Clerk of the **【Board】** Council. The Village clerk shall
40 serve as clerk of the **【Board of Trustees】** Council. The clerk shall
41 attend meetings of the **【Board】** Council and keep a journal of the
42 proceedings of the **【Board of Trustees】** Council and record the
43 minutes of every meeting. The clerk's duties shall be conducted in
44 accordance with general law.

45 2.12 Conflict of interest. **【No member of the governing body,**
46 **under any pretense whatever, shall be interested in any way, in any**

1 work or contract, payment for which is to be made from the village
2 treasury. No officer or employee elected or appointed shall be
3 interested directly or indirectly in any contract or job for work or
4 materials, or the profits thereof, to be furnished or performed for the
5 village; nor shall any member of the governing body participate in
6 the appointment of any officer or employee of the village in which
7 appointment such member has any direct or indirect financial or
8 personal interest】 Any potential or real conflicts of interest shall be
9 addressed in accordance with general law.

10
11 Article III. Ordinances and Resolutions

12 3.1 Form of action. The 【Board of Trustees】 Council may act
13 either by ordinance or by resolution, except where an ordinance is
14 required by the Charter or by general law.

15 3.2 Enacting clause; Record Book. The 【Board of Trustees】
16 Council shall act in relation to legislative matters by ordinance. The
17 enacting clause of all ordinances shall be: “Be it Ordained by the
18 【Board of Trustees】 Council of 【the Township of】 South Orange
19 Village:” The clerk of the 【Board】 Council shall record all
20 ordinances and resolutions adopted by the 【Board of Trustees】
21 Council in a book to be kept by him or her for that purpose.

22 3.3 Vote required.

23 (a) No ordinance may be enacted without at least the affirmative
24 vote of four 【Trustees】 Council Members, or the affirmative vote of
25 three 【Trustees】 Council Members and the 【Village President】
26 Mayor.

27 (b) No resolution may be adopted without the affirmative vote
28 of a majority of the Council Members present. The Mayor may cast
29 the deciding vote in the case of a tie vote.

30 3.4 Procedure for passage. Ordinances shall be prepared,
31 introduced, considered and acted upon pursuant to general law.

32 3.5 Penalties for violating ordinances. As provided by general
33 law, the 【Board of Trustees】 Council may prescribe penalties for
34 the violation of ordinances 【it may have authority to pass, either by
35 imprisonment in the county jail or in any place provided the village
36 for the detention of prisoners. The court before which any person is
37 convicted of violating any village ordinance, shall have power to
38 impose any fine or term of imprisonment not exceeding the
39 maximum fixed in such ordinance. Any person convicted of the
40 violation of any village ordinance, in default of the payment of any
41 fine imposed therefor, may be imprisoned in the county jail or place
42 of detention provided by the village, for any term not exceeding
43 ninety days, except as otherwise provided by law】.

44
45 Article IV. Executive and Administrative Generally

46 4.1 Executive officer. The 【Village President】 Mayor shall be
47 the chief executive officer of the village, with ultimate

1 responsibility for and authority over village operations. To the
2 extent permissible by law, the **【Village President】** Mayor shall
3 exercise his authority to supervise and coordinate the activities of
4 the various units of village government, directly or indirectly,
5 through such administrative officer as may from time to time be
6 authorized by ordinance.

7 4.2 Acting **【Village President】** Mayor; pro tempore officer.
8 Whenever the **【Board of Trustees】** Council determines that the
9 **【Village President】** Mayor is unable to attend to the duties of his or
10 her office due to his or her absence from the village, disability or
11 other cause, the **【Board of Trustees】** Council may appoint one of its
12 members to serve as Acting **【Village President】** Mayor. Any person
13 so appointed as Acting **【Village President】** Mayor shall succeed to
14 all of the rights, powers and duties of the **【Village President】**
15 Mayor, until the **【Village President】** Mayor returns, the disability
16 or other cause ceases. In the event that the **【Village President】**
17 Mayor is merely absent from a meeting of the **【Board of Trustees】**
18 Council, the clerk of the **【Board】** Council shall call the meeting to
19 order and the **【Board of Trustees】** Council shall designate one of its
20 members to preside pro tempore. The Acting Mayor shall serve
21 until the vacancy is filled.

22 4.3 Vacancy. In the event of the death, resignation, removal or
23 disqualification of the **【Village President】** Mayor, or in the event
24 the **【Village President】** Mayor is unable to attend to the duties of
25 his office as provided in Section 4.2 **【for a period of four**
26 **consecutive calendar months, the Board of Trustees by the**
27 **affirmative vote of four Trustees shall have the power to declare**
28 **vacant the office of Village President and in the event the office of**
29 **Village President is declared vacant the office shall be filled as**
30 **provided in Section 2.4】** , the vacancy shall be filled pursuant to
31 general law. The Acting **【Village President】** Mayor shall serve
32 until the vacancy is filled.

33 4.4 Powers and duties; generally. The **【Village President】**
34 Mayor shall:

35 (a) Report annually in writing to the public and the **【Board of**
36 **Trustees】** Council on the condition of the village, and the work of
37 the previous year;

38 (b) Recommend to the **【Board of Trustees】** Council whatever
39 action or programs he / she deems necessary or desirable for the
40 village and for the welfare of its residents;

41 (c) Have such other executive powers and duties as general law
42 or the Charter may provide or as the **【Board of Trustees】** Council
43 may by ordinance prescribe.

1 4.5 Executive powers and duties. The **【Village President】**
2 Mayor, as chief executive officer of the village government, subject
3 to the Charter and ordinances, shall:

4 (a) Supervise and direct all subordinate officers and employees
5 of the village, and examine any complaints which may be lodged
6 against any of them;

7 (b) Cause the ordinances of the village to be enforced;

8 (c) **【Sign warrants for the withdrawal of moneys from the**
9 **village treasury;**

10 (d) **【Sign all withdrawals, checks, notes, bonds or obligations of**
11 **the village as required by the general law;**

12 **【(e)】** (d) Inspect the books and vouchers of the **【Village**
13 **treasurer】** chief financial officer;

14 **【(f)】** (e) Appoint officers and employees as authorized by law,
15 and for which no other provision for appointment **【may be made,**
16 and remove any such officers or employees as may be authorized by
17 law**】** or removal is made by general law, the Charter, or the Council
18 by ordinance.

19 4.6 **【Counsel】** Attorney. There shall be a Village **【counsel】**
20 attorney who shall be nominated and appointed by the **【Board of**
21 **Trustees】** Council. The **【counsel】** attorney shall serve for such
22 term as may be fixed by ordinance, and until the appointment and
23 qualification of his or her successor. He / she shall be the chief
24 legal advisor to the **【Board of Trustees】** Council, and shall have
25 such specific functions, powers and duties as may be provided by or
26 pursuant to ordinance.

27 4.7 Village clerk. There shall be a Village clerk who shall be
28 appointed by the **【Board of Trustees】** Council. The Village clerk
29 shall serve for **【a term of three years beginning July 1 of the year in**
30 **which he is appointed,】** such term of office, shall have such powers
31 and duties, and shall be subject to the tenure and removal provisions
32 as provided by general law.

33 4.8 Village clerk; Powers and Duties. The Village clerk shall:

34 (a) Have the custody of the Village Seal, and of all books and
35 papers belonging to the village, or which may be filed in his or her
36 office; for which no other custody is provided by the Charter or
37 Administrative Code;

38 **【(b)】** Countersign and keep an accurate record of all licenses,
39 and of all warrants for the withdrawal of moneys from the **【Village**
40 **treasurer】** chief financial officer, and countersign and seal all
41 bonds, notes or other obligations for the payment of moneys by the
42 village under the direction of the **【Board】** Council;

43 **【(c)】** (b) Pay over unto the **【Village treasurer】** chief financial
44 officer all moneys belonging to the village which may have come
45 into his or her hands;

1 **[(d)] (c)** Perform and discharge such other functions, powers
2 and duties as may be required of him or her by the **[Board of**
3 **Trustees]** Council or as provided by the Charter.

4
5 Article V. Financial Administration

6 5.1 Fiscal year. The fiscal year of the village shall begin on the
7 first day of January and end on the thirty-first day of December in
8 each year, unless otherwise provided by law.

9 5.2 Budget preparation; current operations. The **[Board of**
10 **Trustees]** Council shall establish a procedure for the preparation of
11 the budget. Such procedure shall include provision for public
12 participation in the formulation of the budget program of revenues
13 and expenditures, and for justification of budget requests by
14 department heads.

15 5.3 Capital budget. The **[Board of Trustees]** Council may, and
16 when required by law shall, approve and adopt a capital budget. The
17 **[Board of Trustees]** Council shall provide for the manner of
18 compiling the capital budget. The capital budget shall be adopted in
19 accordance with the requirements of the Local Budget Law.

20 5.4 The budget process. The **[Board of Trustees]** Council shall
21 review the various budget requests, estimates of revenues, and
22 related data, and shall, in the exercise of its discretion and
23 judgment, cause the budget to be prepared in such form and with
24 such explanatory statements and schedules, in addition to those
25 required by the Charter, as the **[Board]** Council may deem in the
26 public interest.

27 5.5 Action by the **[Board of Trustees]** Council. The **[Board of**
28 **Trustees]** Council shall make available for public distribution
29 copies of the budget, and cause a budget resolution (ordinance) to
30 be introduced, published and adopted pursuant to the Local Budget
31 Law. Adoption of the budget shall require the affirmative vote of
32 four **[Trustees]** Council Members. The **[Village President]** Mayor
33 shall have no right to vote on the adoption of the budget.

34 5.6 Budget operation. The adopted budget shall be administered
35 in accordance with the requirements of general law, and pursuant to
36 such procedures as may be established by ordinance.

37 5.7 Borrowing. The village may borrow money pursuant to the
38 Local Bond Law.

39 5.8 Fiscal procedures. The fiscal affairs of the village shall be
40 administered in accordance with the requirements of the Local
41 Fiscal Affairs Law.

42 5.9 Tax collector. The **[Board of Trustees]** Council shall
43 appoint a tax collector **],** who shall have a term of office of four
44 years beginning the first day of January next following his
45 appointment**].** The tax collector shall serve for such term of office,
46 shall have **[the]** powers and duties **[prescribed by law]** , and shall

1 be subject to the tenure and removal provisions as provided by
2 general law.

3 5.10 Tax Assessor. The **【Board of Trustees】** Council shall
4 appoint a tax assessor **【,** who shall have a term of office of four
5 years beginning the first day of July of the year of his
6 appointment**】**. The tax assessor shall serve for such term of office,
7 shall have 【the】 powers and duties 【prescribed by law】 , and shall
8 be subject to the tenure and removal provisions as provided by
9 general law.

10 5.11 **【Village treasurer.** The Board of Trustees shall appoint a
11 Village treasurer who shall serve at its pleasure. The Village
12 treasurer shall:

13 (a) Deposit and keep all moneys received by him on behalf of
14 the village, in a depository to be designated by the Board of
15 Trustees;

16 (b) Pay or expend village moneys only upon the warrant of the
17 Village President, countersigned by the Village clerk, and made in
18 pursuance of the order of the Board of Trustees;

19 (c) Keep an accurate account of his receipts and disbursements,
20 and shall report the same to the Board of Trustees as often as they
21 shall direct;

22 (d) Maintain his books and vouchers open to the inspection of
23 the Village President, or any member of the Board of Trustees and
24 at all reasonable hours to the inspection of any taxpayer;

25 (e) Have and perform such other powers and duties as may be
26 prescribed by law**】** Chief financial officer. There shall be a chief
27 financial officer who shall be appointed by the Council. The chief
28 financial officer shall serve for such term of office, shall have
29 powers and duties, and shall be subject to the tenure and removal
30 provisions as provided by general law.

31 5.12 **【Audit, warrant and payment】** Payment of bills **【and**
32 **claims】**. All bills, claims and demands against the village shall be
33 approved or disapproved by the **【Board of Trustees】** Council
34 pursuant to law.

35 5.13 Taxes and assessments. The assessment and collection of
36 property taxes and municipal assessments shall be in accordance
37 with general law.

38

39 Article VI. Recall Elections

40 6.1 In general. The members of the **【Board of Trustees】**
41 Council and the **【Village President】** Mayor shall be subject to
42 removal from office for cause connected with their office after
43 having served at least one year, upon the filing of a recall petition
44 and the affirmative vote of a majority of those voting on the
45 question of removal at any general, regular municipal or special
46 election.

1 6.2 Petition contents. A recall petition shall demand the
2 removal of a designated incumbent, shall be signed by qualified
3 voters equal in number to at least twenty-five per centum (25
4 percent) of the registered voters of the village, and shall be filed
5 with the Village clerk. It shall set forth a statement of the cause
6 upon which the removal is sought.

7 6.3 Petition signatures, examination, certification, amendment.
8 The signatures to a recall petition need not all be appended to one
9 paper but each signer shall add to his or her signature his or her
10 place of residence giving the street and number or other sufficient
11 designation if there shall be no street and number. One of the
12 signers to each such paper shall take an oath before an officer
13 competent to administer oaths that the statement therein made is
14 true as he / she believes that each signature to the paper appended is
15 the genuine signature of the person whose name it purports to be.
16 Within ten days from the date of filing the petition the Village clerk
17 shall examine and ascertain whether or not such petition is signed
18 by the requisite number of qualified voters, and shall attach to the
19 petition his or her certificate showing the result of his or her
20 examination. If by that certificate the petition is shown to be
21 insufficient it may be amended within ten days from the date of said
22 certificate. The Village clerk shall, within five days after such
23 amendment, make a similar examination and determination of the
24 amended petition, and if the certificate shall show the same to be
25 insufficient, it shall be returned to the person filing it without
26 prejudice to the filing of a new petition to the same effect.

27 6.4 Service of notice. If the petition shall be sufficient the
28 Village clerk shall within two days notify the **【Trustee, Trustees or**
29 **Village President】** Council Member, Council Members or Mayor
30 whose recall is sought thereby. If such notice cannot be served
31 personally, service may be made by registered mail addressed to the
32 officer's last known address. If within five days after the service of
33 the notice by the Village clerk the **【Trustee, Trustees or Village**
34 **President】** Council Member, Council Members or Mayor sought to
35 be recalled by such petition do not resign, or having tendered their
36 resignation it shall not have been accepted by the **【Board of**
37 **Trustees】** Council, the Village clerk shall order and fix a date for
38 holding a recall election not less than sixty nor more than ninety
39 days from the filing of the petition. Notice of the filing of the
40 petition and of the date of the election shall be posted for public
41 view in the office of the Village clerk and he / she shall also insert
42 the notice forthwith in a newspaper published in the village, or if
43 there be no such newspaper, then in a newspaper having general
44 circulation in the village.

45 6.5 Ballot specifications; question; directions. The ballots at the
46 recall election shall conform to the requirements respecting the
47 election of officers of the village, as provided in Title 19 of the

1 Revised Statutes (Elections), except that the words “recall election”
2 shall appear on the ballot. The recall features of the ballot shall
3 appear at the top thereof and shall be separated from the portion of
4 the ballot for the election of officers by a heavy black line. The
5 proposal for recall shall be placed on the ballot in the following
6 manner: “Shall..... (here insert the name of incumbent) be
7 removed from office by recall?” This matter shall occupy two lines
8 in boldface type. Immediately below the above wording shall
9 appear the phrase “for recall,” and immediately underneath such
10 phrase the words “against recall.” Immediately at the left of each of
11 these two phrases shall be printed a square, in which the voter may
12 make a cross (X) or plus (+) or a check (V) mark. Immediately
13 below the foregoing shall appear the following: “Indicate your vote
14 by placing a cross (X) or plus (+) or a check (V) mark in one of the
15 squares above.”

16 6.6 Repetition of question and direction. If the removal of more
17 than one officer is sought the same provisions for submitting to the
18 electors the question and direction hereinbefore described shall be
19 repeated in the case of each officer concerned and their position on
20 the ballot for their recall shall be in order of the filing of the
21 petition with the Village clerk.

22 6.7 Voting for successor to recalled officer. The same ballot
23 used for submitting the question or questions of recall shall be used
24 for the election of a successor to the incumbent sought to be
25 removed and immediately under the black line following the recall
26 question shall appear the phrase “Nominees for successors of
27 (here insert name of incumbent) in the event he or she
28 is recalled.” The names of all person nominated as successors shall
29 be placed upon the ballot in the same manner provided for other
30 elections of officers of the village.

31 6.8 Provisions applicable to elections. The provisions of Title 19
32 of the Revised Statutes (Elections), concerning the nomination of
33 village officers, preparation of the ballot, election of village
34 officers, counting and canvassing of the results of the election of
35 such officers, shall apply to the election for the recall of officers
36 and the election of their successors.

37 6.9 Publishing election notices. The Village clerk shall cause to
38 be made due publication of notices of arrangements for holding all
39 recall elections and they shall be conducted as are other elections
40 for officers of the village.

41 6.10 Recall election results.

42 (a) If a majority of votes in connection with the recall of any
43 officers be in favor of the recall, the term of office of such officer
44 shall terminate upon the certification of the results of election by
45 the Village clerk.

46 (b) If the results of such recall election shall, by the certificate
47 of the Village clerk, be shown to be against the recall of the officer
48 he or she shall continue in office as if no recall election had been

1 held, and the vote for the election for the successor of such officers
2 taken at the time of such attempted recall shall be void.

3 6.11 Election successor, term. If the office of the incumbent
4 shall become vacant either by his or her resignation or by the result
5 of the recall election, the successor shall be the nominee receiving
6 the greatest number of votes at the recall election. The person so
7 elected shall serve for the remainder of the unexpired term.

8
9 Article VII. Transition

10 7.1 Ordinances, etc. Upon the taking effect of this Charter, all
11 ordinances and resolutions, franchises, contracts, licenses and
12 permits, theretofore existing shall remain in full force and effect
13 according to their respective terms.

14 7.2 Personnel. Upon the taking effect of this Charter, all officers
15 and employees shall be continued in their respective offices and
16 employments, unaffected in term, tenure, compensation or
17 otherwise.

18 7.3 Actions and proceedings. Upon the taking effect of this
19 Charter, all legislative, executive and judicial actions and
20 proceedings then pending shall continue unaffected.

21 7.4 **【**First election of trustees. In the event that this Charter is
22 adopted by favorable vote at referendum in November, 1977, 1 the
23 Trustees and the Village President then in office shall remain in
24 office for the remainder of their terms. The three Trustees to be
25 elected in May 1978, shall be elected each for a term of three years.
26 The three Trustees and the Village President to be elected In May
27 1979 shall be elected each for a term of four years, and thereafter
28 the term of each Trustee and the Village President shall be four
29 years.**】** (Deleted by amendment, P.L. __, c. __) (pending before the
30 Legislature as this bill)

31 7.5 **【**Effective date. This Charter shall take effect on the first
32 day of January next following its approval by the legal voters
33 pursuant to law.**】** (Deleted by amendment, P.L. __, c. __) (pending
34 before the Legislature as this bill)

35 (cf: P.L.1977, c.183, s.1)

36
37 2. This act shall take effect immediately, but shall remain
38 inoperative until approved by adoption of an ordinance by the
39 Board of Trustees of the Township of South Orange Village, for
40 that purpose.

41
42
43 STATEMENT

44
45 This bill constitutes special legislation, requested by the Board of
46 Trustees of the Township of South Orange Village in Essex County,
47 to change the municipality's name from the "Township of South

1 Orange Village,” to “South Orange Village,” and to make other
2 changes to the municipality’s special charter.
3 A special charter was granted by the Legislature in 1872, naming
4 the municipality the “Village of South Orange,” but was repealed
5 upon the enactment of a new special charter in the form of
6 P.L.1977, c.183, changing the name to the “Township of South
7 Orange Village.” This bill amends P.L.1977, c.183 to change the
8 municipality’s name to “South Orange Village.” This bill also
9 replaces the office of the Village treasurer with the chief financial
10 officer’s office, replaces the “Board of Trustees” with the
11 “Council,” replaces the “Village President” with the “Mayor,”
12 replaces the “Village counsel” with the “Village attorney,” and
13 makes several technical changes to conform the special charter to
14 State law.