

P.L. 1997, CHAPTER 198, *approved August 13, 1997*
Assembly, No. 1792 (*Second Reprint*)

1 **AN ACT** to provide a special charter for the Town of Boonton in the
2 county of Morris.

3
4 **WHEREAS**, The Mayor and the Board of Aldermen of the Town of
5 Boonton, in the county of Morris have petitioned the Legislature
6 for the passage of a special law to provide a new charter for the
7 town, as proposed by the town, and pursuant to Article IV, Section
8 VII, paragraph 10 of the Constitution of 1947 in accordance with
9 the procedure prescribed by P.L.1948, c.199 (C.1:6-10 et seq.); and
10 **WHEREAS**, Notice of intention to apply for the passage of the special
11 law has been duly published and the original of the petition together
12 with a duly certified copy of the ordinance authorizing the filing of
13 the same has been presented and filed; now, therefore,

14
15 **BE IT ENACTED** by the Senate and General Assembly of the State
16 of New Jersey:

17
18 1. The charter of the Town of Boonton is set forth as follows:

19 Article I

20 General

21 Section I-1. a. The inhabitants of the Town of Boonton are hereby
22 continued as a body politic and corporate in law as heretofore
23 constituted and established. The governing body of the Town of
24 Boonton shall be known by the name of "the Mayor and Board of
25 Aldermen of the Town of Boonton in the county of Morris" and the
26 boundaries of the town shall be and remain as heretofore established
27 by law.

28 b. The Town of Boonton shall have full power to sue and be sued
29 and have a corporate seal.

30 Section I-2. a. The mayor shall be elected by the voters of the
31 municipality at large and shall serve for a term of three years.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALG committee amendments adopted May 13, 1996.

² Senate SCO committee amendments adopted June 5, 1997.

1 b. The Board of Aldermen shall consist of six members, two
2 elected at large, and one elected from each of four wards, and they
3 shall serve for a term of three years. Following adoption of this
4 charter, members of the governing body shall serve for the following
5 initial terms: the Mayor shall serve for three years, one
6 Alderman-at-large member shall serve for two years and one
7 Alderman-at-large shall serve for one year; two Aldermen elected from
8 wards shall serve for two years and two Aldermen elected from wards
9 shall serve for one year. The length of the respective term of each
10 Alderman of the first governing body shall be determined by lot at the
11 organization of the governing body immediately following the election.
12 Thereafter, the term of each member shall be three years.

13 c. The annual election for town officers shall be held at the same
14 time and places as the general election. No person shall be permitted
15 to vote at any such election unless he is an actual resident of the
16 election district in which he offers his vote.

17 Section I-3. a. The mayor and aldermen shall constitute the
18 governing body of the Town of Boonton. They shall hold an annual
19 meeting on the first day of January at twelve o'clock noon, or during
20 the first seven days of January in any year.

21 b. The mayor shall be chairman of the Board of Aldermen and shall
22 preside at all meetings of the Board of Aldermen.

23 c. At their annual meeting, the aldermen shall, by a vote of a
24 majority of their number, elect a president of the board, who shall
25 preside at their meetings when the mayor does not preside. The
26 president of the Board of Aldermen shall hold office for one year and
27 until the next annual meeting. In the absence of both the mayor and
28 president, the remaining aldermen may elect one of their own to act as
29 chairman until either the mayor or the president is able to preside.

30 d. The Board of Aldermen shall appoint the times of meetings and
31 determine and establish the rules of its own proceedings.

32 e. A majority of the Board of Aldermen shall constitute a quorum
33 for the transaction of business, but a smaller number may meet and
34 adjourn from day to day.

35 f. The mayor or any two aldermen may call for a special meeting
36 by written notice to each of the members, served personally or left at
37 the member's usual place of residence at least twenty-four hours before
38 the time appointed for the meeting. No other business than that
39 specified in the call for the special meeting shall be discussed or
40 transacted.

41 g. ¹[The governing body may, at its annual meeting, establish for
42 its members such committees of the Board of Aldermen as will assist
43 it for the ensuing year.

44 h.]¹ No officer who has obtained tenure by any provision of any
45 law shall be affected by the adoption of this charter.

46 Section I-4. Subject to the provisions of other general law, the

1 Board of Aldermen shall have full power to exercise all powers of
2 local government in such manner as it may determine.

3 Section I-5. a. The mayor shall be designated as the "Mayor of the
4 Town of Boonton" in all official documents and instruments of every
5 kind, and shall sign all ordinances, warrants, bonds, notes, contracts
6 and all other official documents and instruments by said title.

7 b. The mayor shall be the head of the municipal government.

8 c. The mayor shall have all those powers placed in the mayor by
9 general law.

10 d. The mayor shall be known as the chairman of the Board of
11 Aldermen, preside at all its meetings and possess all the powers of a
12 member of the Board of Aldermen.

13 e. Every ordinance adopted by the Board of Aldermen shall be
14 presented to the mayor within five days after its passage, Sundays
15 excepted, by the town clerk. The mayor shall, within ten days after
16 receiving the ordinance, either approve it by affixing his signature
17 thereto or return it to the Board of Aldermen by delivering it to the
18 clerk together with a statement setting forth his objections thereto.
19 No ordinance shall take effect without the mayor's approval, unless the
20 mayor fails to return the ordinance to the Board of Aldermen, as
21 prescribed above, or unless the Board of Aldermen upon consideration
22 of the ordinance following its return, shall, by a vote of two-thirds of
23 all members of the Board of Aldermen, resolve to override the veto.

24 f. No ordinance shall be passed except by a vote of at least four
25 affirmative votes.

26 Section I-6. a. The Board of Aldermen shall be the legislative body
27 of the municipality.

28 b. The Board of Aldermen may, subject to general law and the
29 provisions of this act:

30 (1) Pass, adopt, amend and repeal any ordinance or, where
31 permitted, any resolution for any purpose required for the government
32 of the municipality or for the accomplishment of any public purpose
33 for which the municipality is authorized to act under general law;

34 (2) Control and regulate the finances of the municipality and raise
35 money by borrowing and taxation;

36 (3) Create such offices and positions as it may deem necessary.
37 The officers appointed shall perform the duties required by law and the
38 ordinances of the Board of Aldermen. Other than the town attorney,
39 engineer, building inspector, clerk, tax collector and tax assessor,
40 these officers shall serve at the pleasure of the Board of Aldermen.
41 The town attorney, engineer, clerk, tax collector and tax assessor shall
42 serve for terms as provided in chapter 9 of Title 40A of the New
43 Jersey Statutes;

44 (4) Investigate any activity of the municipality;

45 (5) Remove any officer of the municipality, other than those
46 officers excepted by law, for cause; and

1 (6) Override a veto of the mayor by a two-thirds majority of all the
2 members of the Board of Aldermen.

3 c. The Board of Aldermen shall have all the executive
4 responsibilities of the municipality not placed, by general law or this
5 charter, in the office of the mayor.

6 d. The Board of Aldermen may, by ordinance, appoint such
7 subordinate officers as it may deem necessary, except that candidates
8 for appointment to the offices of the municipal clerk, the tax assessor
9 and the tax collector shall be nominated by the mayor.

10 e. Every officer appointed pursuant to this section shall hold office
11 during his official term and until his successor shall have been duly
12 appointed and qualified.

13 Section I-7. a. An administrator shall be appointed pursuant to
14 N.J.S.40A:9-136 and shall have the following powers and duties:

15 (1) Serve as the chief administrative officer of the Town and be
16 responsible to the governing body as a whole for the proper and
17 efficient administration of the business affairs of the Town. The
18 administrator's duties and responsibilities shall relate to the general
19 management of all Town business, except those duties and
20 responsibilities conferred upon other Town officials by state statute,
21 other applicable laws, rules and regulations promulgated by state and
22 county agencies, judicial authority or ordinances of the Town. Except
23 for the purpose of inquiry, the governing body and its members shall
24 deal with the administrative service solely through the administrator,
25 and neither the governing body nor any member thereof shall give
26 orders to any subordinates of the administrator either publicly or
27 privately;

28 (2) Supervise and direct the business activities of all departments
29 including the direction of central purchasing and the employment and
30 replacement of personnel as may be required in all departments;

31 (3) Serve as the personnel officer of the Town and as such hire and
32 promote employees of the Town subsequent to satisfactory completion
33 of the probationary period and advance employees to the next step,
34 and when he deems it necessary or advisable for the betterment of the
35 Town, suspend or discharge employees, subject to the applicable
36 provisions of civil service laws and regulations and Town ordinances.
37 The administrator shall report at the next regular meeting of the
38 governing body any action taken by authority of this subsection;

39 (4) Prepare and submit to the governing body before the close of
40 the fiscal year, or at such times as the governing body shall determine,
41 a proposed budget for the next fiscal year and an explanatory budget
42 message. In preparing the proposed budget, the Administrator, or an
43 officer designated by him, shall obtain from the head of each
44 department, agency, board or officer, estimates of revenues and
45 expenditures and other supporting data as he requests. The
46 Administrator shall review the estimates and may revise them before

- 1 submitting the proposed budget to the governing body;
- 2 (5) Be responsible for the administration of the budget after its
- 3 adoption by the governing body and the implementation of the work
- 4 programs contained in the budget;
- 5 (6) Execute and enforce the laws of the State and ordinances and
- 6 resolutions of the Town as the governing body may prescribe;
- 7 (7) Attend all meetings of the governing body and other
- 8 committees as directed, with a right to take part in the discussion and
- 9 receive notice of all regular and special meetings of the governing
- 10 body and advisory committees;
- 11 (8) Prepare the workshop agenda for each meeting of the
- 12 governing body and supply facts pertinent thereto and deliver same to
- 13 governing body no later than the evening preceding the workshop;
- 14 (9) Keep the governing body informed as to the conduct of Town
- 15 affairs, submit periodic reports, either in writing or orally, on the
- 16 condition of the Town finances and such other reports, either in
- 17 writing or orally, as the governing body shall request, and make such
- 18 recommendations to the governing body as he deems necessary and
- 19 advisable for the welfare of the Town;
- 20 (10) Submit to the governing body, as soon as possible after the
- 21 close of the fiscal year, a complete written report on the administrative
- 22 activities of the Town for the preceding year;
- 23 (11) See that the provisions of all franchises, leases, permits and
- 24 privileges granted by the Town are complied with;
- 25 (12) Recommend the employment of experts and consultants to
- 26 perform work and render advice in connection with the operation of
- 27 the dedicated utilities or work projects in the Town subject to
- 28 approval by the governing body;
- 29 (13) Attend to the letting of contracts, in compliance with
- 30 applicable law, and supervise the performance and faithful execution
- 31 of the same except insofar as such duties are expressly imposed upon
- 32 some other Town officer or official statute;
- 33 (14) See that all money owed to the Town is promptly paid, and
- 34 that proper proceedings are taken for the security and collection of all
- 35 Town claims;
- 36 (15) Review and recommend all bills and vouchers for payment
- 37 prior to final approval by the governing body;
- 38 (16) Receive copies of all general and official correspondence
- 39 addressed to the Town and refer same to the appropriate officer or
- 40 department for disposition and reply;
- 41 (17) Receive all complaints regarding services or personnel of the
- 42 Town. The Administrator, or an officer designated by him, shall
- 43 investigate and dispose of the complaints and shall keep a written
- 44 record of each complaint and when and what action was taken in
- 45 response thereto and provide the governing body with a copy when
- 46 requested to do so;

1 (18) Maintain a continuing review and analysis of budget
2 operations, work programs and costs of municipal services;

3 (19) At the request of the governing body, study and analyze the
4 duties and responsibilities of any ¹[elected or]¹ appointed official and
5 department of the Town, submitting his report relating thereto to the
6 governing body for such further action as the governing body may
7 deem advisable; and

8 (20) Keep the governing body informed as to federal aid projects,
9 State aid projects and any other aid programs for which the Town may
10 qualify.

11 b. The Board of Aldermen ¹[may] shall¹, by ordinance, adopt an
12 administrative code. The administrative code shall restate the major
13 provisions of the town's charter and the general law supplementing the
14 charter. The administrative code shall set forth the manner in which
15 the Board of Aldermen shall perform its duties. ¹[Whether the Board
16 of Aldermen organizes itself into standing committees or the members
17 of the Board of Aldermen serve as heads of departments, with
18 administrative control over said departments, the administrative code
19 shall specify the powers and duties of such committees or department
20 heads and the manner in which they are appointed.]¹ The
21 administrative code shall also set forth the titles of the principal
22 municipal officers, how the officers are appointed, how they are
23 organized into departments, boards, commissions, and other agencies;
24 whom they supervise; by whom they are supervised; what powers they
25 have; and what procedures should be followed to carry on the
26 activities of the town government. The administrative code shall not
27 grant any power or authority, or authorize any procedure, unless such
28 power, or authority or procedure is authorized implicitly by the
29 wording of the charter or general law or derived by reasonable
30 implication therefrom.

31 c. The Board of Aldermen may create such advisory councils to the
32 municipality as it may choose, including councils for the functions
33 absorbed by it of any heretofore existing board, commission or district.

34 Section I-8. Whenever in this charter, in describing or referring to
35 any person, party, matter or thing, any word importing the masculine
36 gender is used, the same shall be understood to include and to apply
37 to females as well as males.

38 ¹[Article II

39 Recall

40 Section II-1. Any elective officer shall be subject to removal from
41 office for cause connected with his office, after he has served at least
42 one year, upon the filing of a recall petition and the affirmative vote of
43 a majority of those voting on the question of removal at any general
44 or special election.

45 Section II-2. A recall petition shall demand the removal of a
46 designated incumbent, shall be signed by qualified voters equal in

1 number to at least twenty-five percent (25%) of the registered voters
2 of the municipality, and shall be filed with the municipal clerk. It shall
3 set forth a statement of the cause upon which the removal is sought.

4 Section II-3. The signatures to a recall petition need not all be
5 appended to one paper but each signer shall add to his signature his
6 place of residence giving the street and number or other sufficient
7 designation if there shall be no street and number. One of the signers
8 to each such paper shall take an oath before an officer competent to
9 administer oaths that the statement therein made is true as he believes
10 and that each signature to the paper appended is the genuine signature
11 of the person whose name it purports to be. Within ten days from the
12 date of filing the petition the municipal clerk shall complete his
13 examination and ascertain whether or not such petition is signed by the
14 requisite number of qualified voters, and shall attach to the petition his
15 certificate showing the result of his examination. If by that certificate
16 the petition is shown to be insufficient it may be amended within ten
17 days from the date of said certificate. The municipal clerk shall, within
18 five days after such amendment, make a similar examination and
19 determination of the amended petition, and if the certificate shall show
20 the same to be insufficient, it shall be returned to the person filing it
21 without prejudice to the filing of a new petition to the same effect.

22 Section II-4. If the petition shall be sufficient the municipal clerk
23 shall within two days notify the mayor, alderman or aldermen whose
24 recall is sought thereby. If such notice cannot be served personally
25 upon the mayor, alderman or aldermen affected, service may be made
26 by registered mail addressed to the officer's last known address. If
27 within five days after the service of the notice by the municipal clerk
28 the mayor, alderman or aldermen sought to be recalled by such petition
29 do not resign, or having tendered their resignation it shall not have
30 been accepted by the Board of Aldermen, the municipal clerk shall
31 order and fix a date for holding a recall election not less than 60 nor
32 more than 90 days from the filing of the petition. Notice of the filing
33 of the petition and of the date of the election shall be posted for public
34 view in the office of the municipal clerk and the clerk shall also insert
35 the notice forthwith in a newspaper published in the municipality, or
36 if there be no such newspaper, then in a newspaper having general
37 circulation in the municipality.

38 Section II-5. The ballots at the recall election shall conform to the
39 requirements respecting the election of municipal officers in the
40 municipality, as provided in this charter or in Title 19 of the Revised
41 Statutes (Elections), whichever shall apply in the municipality in
42 accordance with the provisions of this act, except that the words
43 "recall election" shall appear on the ballot. The recall features of the
44 ballot shall appear at the top thereof and shall be separated from the
45 portion of the ballot for the election of officers by a heavy black line.
46 The proposal for recall shall be placed on the ballot in the following

1 manner:

2 "Shall.....(here insert name of incumbent) be removed from
3 office by recall?" This matter shall occupy two lines in bold-face type.
4 Immediately below the above wording shall appear the phrase "for
5 recall," and immediately underneath such phrase the words "against
6 recall." Immediately at the left of each of these two phrases shall be
7 printed a square, in which the voter may make a cross (x) or plus (+)
8 or a check (T) mark. Immediately below the foregoing shall appear
9 the following:

10 "Indicate your vote by placing a cross (x) or plus (+) or check (T)
11 mark in one of the squares above."

12 Section II-6. If the removal of more than one officer is sought, the
13 same provisions for submitting to the electors the question and
14 direction hereinbefore described shall be repeated in the case of each
15 officer concerned, and their position on the ballot for their recall shall
16 be in the order of the filing of the petition with the municipal clerk.

17 Section II-7. The same ballot used for submitting the question or
18 questions of recall shall be used for the election of a successor to the
19 incumbent sought to be removed and immediately under the black line
20 following the recall question shall appear the phrase "Nominees for
21 successors of.....(here insert name of incumbent) in the event he
22 is recalled." The names of all persons nominated as successors shall
23 be placed upon the ballot in the same manner provided for other
24 elections of municipal officers in the municipality.

25 Section II-8. The provisions of this charter or of Title 19 of the
26 Revised Statutes (Elections), whichever shall apply in the municipality
27 in accordance with the provisions of this charter, concerning the
28 nomination of municipal officers, preparation of the ballot, election of
29 municipal officers, counting and canvassing of the results of the
30 election of such officers, shall apply to the election for the recall of
31 officers and the election of their successors. Where the plan of
32 government in effect in the municipality provides for partisan
33 elections, the county committee of each political party shall be
34 authorized to select a candidate for successor of a recalled incumbent
35 in the same manner as provided by Title 19 of the Revised Statutes for
36 nominations to fill a vacancy after the last day for filing petitions for
37 nominations in the primary elections.

38 Section II-9. The municipal clerk shall cause to be made due
39 publication of notices of arrangements for holding all recall elections
40 and they shall be conducted as are other elections for municipal
41 officers in the municipality.

42 Section II-10. a. If a majority of votes in connection with the
43 recall of any officer be in favor of the recall, the term of office of such
44 officer shall terminate, upon the certification of the results of election
45 by the municipal clerk.

46 b. If the results of such recall election shall, by the certificate of the

1 municipal clerk, be shown to be against the recall of the officer, the
2 officer shall continue in office as if no recall election had been held,
3 and the vote for the election for the successor of the officer taken at
4 the time of such attempted recall shall be void.

5 Section II-11. If the office of the incumbent shall become vacant
6 either by his resignation or by the results of the recall elections, his
7 successor shall be the nominee receiving the greatest number of votes
8 at the recall election. The person so elected shall serve for the
9 remainder of the unexpired term.

10 Article III

11 Initiative and Referendum

12 Section III-1. The voters of the municipality may propose any
13 ordinance and may adopt or reject the same at the polls, such power
14 being known as the initiative. Any initiated ordinance may be
15 submitted to the Board of Aldermen by a petition signed by a number
16 of the legal voters of the municipality equal in number to at least 15%
17 of the total votes cast in the municipality at the last election at which
18 members of the General Assembly were elected, subject to the
19 restrictions set forth in section 17-43 of P.L.1950, c.210
20 (C.40:69A-192).

21 Section III-2. The voters shall also have the power of referendum
22 which is the power to approve or reject at the polls any ordinance
23 submitted by the Board of Aldermen to the voters or any ordinance
24 passed by the Board of Aldermen, against which a referendum petition
25 has been filed as herein provided. No ordinance passed by the Board
26 of Aldermen, except when otherwise required by general law, shall
27 take effect before 20 days from the time of its final passage and its
28 approval by the mayor where such approval is required. If within 20
29 days after such final passage and approval of such ordinance a petition
30 protesting against the passage of such ordinance shall be filed with the
31 municipal clerk and if the petition shall be signed by a number of the
32 legal voters of the municipality equal in number to at least 15% of the
33 total votes cast in the municipality at the last election at which
34 members of the General Assembly were elected, the ordinance shall be
35 suspended from taking effect until proceedings are had as herein
36 provided.

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

42 Section III-3. All petition papers circulated for the purposes of an
43 initiative or referendum shall be uniform in size and style. Initiative
44 petition papers shall contain the full text of the proposed ordinance.
45 The signatures to initiative or referendum petitions need not all be
46 appended to one paper, but to each separate petition there shall be

1 attached a statement of the circulator thereof as provided by this
2 section. Each signer of any such petition paper shall sign his name in
3 ink or indelible pencil and shall indicate after his name his place of
4 residence by street and number, or other description sufficient to
5 identify the place. There shall appear on each petition paper the names
6 and addresses of five voters, designated as the Committee of the
7 Petitioners, who shall be regarded as responsible for the circulation
8 and filing of the petition and for its possible withdrawal as hereinafter
9 provided. Attached to each separate petition paper there shall be an
10 affidavit of the circulator thereof that he, and he only, personally
11 circulated the foregoing paper, that all the signatures appended thereto
12 were made in his presence, and that he believes them to be the genuine
13 signatures of the persons whose names they purport to be.

14 Section III-4. All petition papers comprising an initiative or
15 referendum petition shall be assembled and filed with the municipal
16 clerk as one instrument. Within 20 days after a petition is filed, the
17 municipal clerk shall determine whether each paper of the petition has
18 a proper statement of the circulator and whether the petition is signed
19 by a sufficient number of qualified voters. After completing his
20 examination of the petition, the municipal clerk shall certify the result
21 thereof to the Board of Aldermen at its next regular meeting. If the
22 clerk shall certify that the petition is insufficient, then he shall set forth
23 in his certificate the particulars in which it is defective and shall at
24 once notify at least two members of the Committee of the Petitioners
25 of his findings.

26 Section III-5. An initiative or referendum petition may be amended
27 at any time within ten days after the notification of insufficiency has
28 been served by the municipal clerk, by filing a supplementary petition
29 upon additional papers signed and filed as provided in the case of an
30 original petition. The municipal clerk shall, within five days after such
31 an amendment is filed, examine the amended petition and, if the
32 petition be still insufficient, he shall file his certificate to that effect in
33 his office and notify the Committee of the Petitioners of his findings
34 and no further action shall be had on such insufficient petition. The
35 finding of the insufficiency of a petition shall not prejudice the filing
36 of a new petition for the same purpose.

37 Section III-6. Upon the filing of a referendum petition with the
38 municipal clerk, the ordinance shall be suspended until ten days
39 following a finding by the municipal clerk that the petition is
40 insufficient or, if an amended petition be filed, until five days
41 thereafter; or, if the petition or amended petition be found to be
42 sufficient, until it be withdrawn by the Committee of the Petitioners or
43 until repeal of the ordinance by vote of the Board of Aldermen or
44 approval or disapproval of the ordinance by the voters.

45 Section III-7. Upon a finding by the municipal clerk that any
46 petition or amended petition filed with him in accordance with this

1 charter is sufficient, the clerk shall submit the same to the Board of
2 Aldermen without delay. An initiative ordinance so submitted shall be
3 deemed to have had first reading and provision shall be made for a
4 public hearing.

5 Section III-8. If within 20 days of the submission of a certified
6 petition by the municipal clerk the Board of Aldermen shall fail to pass
7 an ordinance requested by an initiative petition in substantially the
8 form requested or to repeal an ordinance as requested by a referendum
9 petition, the municipal clerk shall submit the ordinance to the voters
10 unless within ten days after final adverse action by the Board of
11 Aldermen or after the expiration of the time allowed for such action,
12 as the case may be, a paper signed by at least four of the five members
13 of the Committee of the Petitioners shall be filed with the municipal
14 clerk requesting that the petition be withdrawn. Upon the filing of
15 such a request, the original petition shall cease to have any force or
16 effect.

17 Section III-9. Any ordinance to be voted on by the voters in
18 accordance with section III-2 or section III-8 of this article shall be
19 submitted at the next general election occurring not less than 40 days
20 after the final date for withdrawal of the petition as provided for in
21 section III-8 of this article, provided that if no such election is to be
22 held within 90 days, the Board of Aldermen shall provide for a special
23 election to be held not less than 40 nor more than 60 days from the
24 final date for withdrawal of the petition as provided for in section III-8
25 of this article.

26 In case of an initiated petition signed by not less than 10% nor more
27 than 15% of the legal voters, the ordinance shall be submitted at the
28 general election occurring not less than 40 days after the final date for
29 withdrawal of the petition as provided for in section III-8 of this
30 article. In any instance where a referendum election is to be held as a
31 result of an ordinance of the Board of Aldermen which by its terms or
32 by law cannot become effective in the municipality unless submitted to
33 the voters, or which by its terms authorizes a referendum in the
34 municipality concerning the subject matter thereof, the time for
35 submission of the question to the voters shall be calculated for the
36 purposes of this section and section III-10 from the date of final
37 passage and approval of the ordinance.

38 Section III-10. Any number of proposed ordinances may be voted
39 upon at the same election in accordance with the provisions of this
40 article, but there shall not be more than once special election in any
41 period of six months for such purpose.

42 During that six-month period, any ordinance which would otherwise
43 be submitted to the voters at a special election if one were not already
44 scheduled, shall be submitted at the scheduled special election if at
45 least 30 days shall remain prior thereto from the final date of
46 withdrawal of the petition; otherwise, the ordinance shall be submitted

1 at the next general election.

2 Section III-11. Whenever an ordinance is to be submitted to the
3 voters of the municipality at any election in accordance with this
4 article, the municipal clerk shall cause the ordinance to be published
5 in at least two of the newspapers published or circulated in the
6 municipality. The publication shall be not more than 20 nor less than
7 five days before the submission of the ordinance or proposition to be
8 voted on.

9 Section III-12. The ballots to be used at such election shall be in
10 substantially the following form:

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

15
16 Yes "Shall the ordinance (indicate whether submitted
17 by the Board of Aldermen or by initiative or
18 No referendum petition) providing for (here state the nature
19 of proposed ordinance or proposition) be adopted?"
20

21 Section III-13. If a majority of the qualified electors voting on the
22 proposed ordinance shall vote in favor thereof, such ordinance shall
23 thereupon become a valid and binding ordinance of the municipality
24 and be published as in the case of other ordinances. No such
25 ordinance shall be amended or repealed within three years immediately
26 following the date of its adoption by the voters, except by a vote of
27 the people. The Board of Aldermen may, within three years
28 immediately following the date of adoption of the ordinance, submit
29 a proposition for the repeal or amendment of that ordinance to the
30 voters at any succeeding general election. If the proposition submitted
31 shall receive a majority of the votes cast at the election, the ordinance
32 shall be repealed or amended accordingly. If the provisions of two or
33 more measures approved or adopted at the same election conflict, then
34 the measure receiving the greatest affirmative vote shall control.]¹

35 Article ¹[IV] II¹

36 Succession in Government

37 Section ¹[IV-1.] II-1. ¹ The schedule of installation of the new
38 charter shall take the following course:

39 The first election of officers under this charter shall take place at
40 the ¹[next] ²[1997¹] 1998² general election ¹[occurring not less than
41 120 days next following the adoption of this charter]¹.

42 The charter shall take effect at 12 o'clock noon on January 1 next
43 following the first election of officers.

44 Section ¹[IV-2.] II-2.¹ Upon the effective date of this charter any
45 other charter and its amendments and supplements theretofore
46 applicable to the municipality shall be superseded. All ordinances and

1 resolutions of the municipality to the extent that they are not
2 inconsistent with the provisions of this charter shall remain in full force
3 and effect until modified or repealed as provided by law.

4 Section ¹[IV-3.] II-3.¹ At 12 o'clock noon on the effective date of
5 this charter, all offices then existing in the town shall be abolished and
6 the terms of all elected and appointed officers shall immediately cease
7 and determine; provided, that nothing in this section shall be construed
8 to abolish the office or terminate the term of office of any member of
9 the board of education, trustees of the free public library,
10 commissioners of a local housing authority, municipal court judge or
11 of any official or employee now protected by any tenure of office law,
12 or of any policeman, fireman, teacher, principal or school
13 superintendent whether or not protected by tenure of office law.
14 Nothing herein contained shall affect the tenure of office of any
15 person holding any position or office coming within the provisions of
16 Title 11A, Civil Service, of the New Jersey Statutes, as it applies to
17 said officers and employees. If the municipal clerk has, prior to the
18 effective date of this charter, acquired a protected tenure of office
19 pursuant to law, then he shall become the first municipal clerk under
20 this charter.

21 Provision for officers and for the organization and administration
22 of the municipal government under this charter may be made by
23 resolution pending the adoption of ordinances, but any such resolution
24 shall expire not later than 30 days after the effective date of this
25 charter.

26
27 2. All proceedings of the Mayor and Board of Aldermen of the
28 Town of Boonton, county of Morris, relating to this act, and to the
29 petition of the Legislature for the passage of a special act, and the time
30 and manner of publication of notice of intention to apply therefor, are
31 ratified, confirmed and validated.

32
33 3. This act shall take effect upon the adoption of an ordinance of
34 the Mayor and Board of Aldermen of the Town of Boonton for the
35 purpose of adopting the same.

36
37
38 _____
39
40 Permits Town of Boonton, Morris County, to adopt new municipal
41 charter.