

[First Reprint]
SENATE, No. 375

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator MacINNES

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
6 Legislature for the passage of a special law to provide a new
7 charter for the town, as proposed by the town, and pursuant to
8 Article IV, Section VII, paragraph 10 of the Constitution of
9 1947 in accordance with the procedure prescribed by P.L.1948,
10 c.199 (C.1:6-10 et seq.); and

11 **WHEREAS**, Notice of intention to apply for the passage of the
12 special law has been duly published and the original of the
13 petition together with a duly certified copy of the ordinance
14 authorizing the filing of the same has been presented and filed;
15 now, therefore,

16

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

19

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

21

Article I

22

General

23

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

31

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

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 Senate SCO committee amendments adopted June 5, 1997.

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

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

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

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

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

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

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

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

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

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

46 h.]¹ No officer who has obtained tenure by any provision of any

1 law shall be affected by the adoption of this charter.

2 Section I-4. Subject to the provisions of other general law, the
3 Board of Aldermen shall have full power to exercise all powers of
4 local government in such manner as it may determine.

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

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

10 c. The mayor shall have all those powers placed in the mayor by
11 general law.

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

15 e. Every ordinance adopted by the Board of Aldermen shall be
16 presented to the mayor within five days after ¹[is] its ¹passage,
17 Sundays excepted, by the town clerk. The mayor shall, within ten days
18 after receiving the ordinance, either approve it by affixing his signature
19 thereto or return it to the Board of Aldermen by delivering it to the
20 clerk together with a statement setting forth his objections thereto.
21 No ordinance shall take effect without the mayor's approval, unless the
22 mayor fails to return the ordinance to the Board of Aldermen, as
23 prescribed above, or unless the Board of Aldermen upon consideration
24 of the ordinance following its return, shall, by a vote of two-thirds of
25 all members of the Board of Aldermen, resolve to override the veto.

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

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

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

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

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

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

46 (4) Investigate any activity of the municipality;

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

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

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

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

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

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

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

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

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

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

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

1 response thereto and provide the governing body with a copy when
2 requested to do so;

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

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

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

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

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

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

40 ¹[Article II

41 Recall

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

1 Section II-2. A recall petition shall demand the removal of a
2 designated incumbent, shall be signed by qualified voters equal in
3 number to at least twenty-five percent (25%) of the registered voters
4 of the municipality, and shall be filed with the municipal clerk. It shall
5 set forth a statement of the cause upon which the removal is sought.

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

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

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

1 portion of the ballot for the election of officers by a heavy black line.
2 The proposal for recall shall be placed on the ballot in the following
3 manner:

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

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

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

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

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

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

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

1 by the municipal clerk.

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

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

12 Article III

13 Initiative and Referendum

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

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

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

44 Section III-3. All petition papers circulated for the purposes of an
45 initiative or referendum shall be uniform in size and style. Initiative
46 petition papers shall contain the full text of the proposed ordinance.

1 The signatures to initiative or referendum petitions need not all be
2 appended to one paper, but to each separate petition there shall be
3 attached a statement of the circulator thereof as provided by this
4 section. Each signer of any such petition paper shall sign his name in
5 ink or indelible pencil and shall indicate after his name his place of
6 residence by street and number, or other description sufficient to
7 identify the place. There shall appear on each petition paper the names
8 and addresses of five voters, designated as the Committee of the
9 Petitioners, who shall be regarded as responsible for the circulation
10 and filing of the petition and for its possible withdrawal as hereinafter
11 provided. Attached to each separate petition paper there shall be an
12 affidavit of the circulator thereof that he, and he only, personally
13 circulated the foregoing paper, that all the signatures appended thereto
14 were made in his presence, and that he believes them to be the genuine
15 signatures of the persons whose names they purport to be.

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

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

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

1 Section III-7. Upon a finding by the municipal clerk that any
2 petition or amended petition filed with him in accordance with this
3 charter is sufficient, the clerk shall submit the same to the Board of
4 Aldermen without delay. An initiative ordinance so submitted shall be
5 deemed to have had first reading and provision shall be made for a
6 public hearing.

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

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

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

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

44 During that six-month period, any ordinance which would otherwise
45 be submitted to the voters at a special election if one were not already
46 scheduled, shall be submitted at the scheduled special election if at

1 other charter and its amendments and supplements theretofore
2 applicable to the municipality shall be superseded. All ordinances and
3 resolutions of the municipality to the extent that they are not
4 inconsistent with the provisions of this charter shall remain in full force
5 and effect until modified or repealed as provided by law.

6 Section ¹[IV-3] II-3¹. At 12 o'clock noon on the effective date of
7 this charter, all offices then existing in the town shall be abolished and
8 the terms of all elected and appointed officers shall immediately cease
9 and determine; provided, that nothing in this section shall be construed
10 to abolish the office or terminate the term of office of any member of
11 the board of education, trustees of the free public library,
12 commissioners of a local housing authority, municipal court judge or
13 of any official or employee now protected by any tenure of office law,
14 or of any policeman, fireman, teacher, principal or school
15 superintendent whether or not protected by tenure of office law.
16 Nothing herein contained shall affect the tenure of office of any
17 person holding any position or office coming within the provisions of
18 Title 11A, Civil Service, of the New Jersey Statutes, as it applies to
19 said officers and employees. If the municipal clerk has, prior to the
20 effective date of this charter, acquired a protected tenure of office
21 pursuant to law, then he shall become the first municipal clerk under
22 this charter.

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

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

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

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