

40A:60-1 to 8

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40A:60-1 (Borough form of government-- law revised)

LAWS OF: 1987 CHAPTER: 379

BILL NO: S2780

Sponsor(s): Van Wagner

Date Introduced: November 17, 1986

Committee: Assembly: -----

Senate: County and Municipal Government

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: November 30, 1987

Senate: June 29, 1987

Date of Approval: January 8, 1988

following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: Yes

Hearings: No

Report, referred to in statements:

974.90 New Jersey. County and Municipal Government Study Commission:
M966 fragmentation and the traditional forms of municipal government in New
1985f Jersey . . . November, 1985.

[OFFICIAL COPY REPRINT]

SENATE, No. 2780

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 17, 1986

By Senator VAN WAGNER

Referred to Committee on County and Municipal Government

AN ACT providing for the borough form of government, repealing parts of the statutory law and adding chapter 60 to Title 40A of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. TITLE 40A
CHAPTER 60
BOROUGHS

1 40A:60-1 Incorporation, Corporate Seal and Change of Name
2 40A:60-2 Elected Officers
3 40A:60-3 Organization, Officers and Meetings
4 40A:60-4 General Powers
5 40A:60-5 Powers of the Mayor
6 40A:60-6 Powers of the Council
7 40A:60-7 Miscellaneous
8 40A:60-8 Statutes Repealed

1 40A:60-1. *Incorporation; Corporate Seal; Change of Name*
2 a. The inhabitants of each of the several boroughs are hereby
3 continued as a body politic and corporate in law as heretofore
4 constituted and established and shall be known by the name of
5 the "the borough of , in the county of" (as the case
6 may be), and the boundaries of the several boroughs shall be
7 and remain as heretofore established by law.

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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendments adopted May 21, 1987.**

8 b. Each borough governed by the laws pertaining to the borough
9 form of government shall have full power to sue and be sued and
10 have a corporate seal.

11 c. Any existing borough may, by resolution of the council, adopt
12 a name, as prescribed in *subsection* a. **[above]** *of this sec-*
13 *tion*, and the borough clerk shall then file a copy of the resolu-
14 tion adopting said name with the county clerk, certified by the
15 *borough* clerk. After the filing of such certificate said borough
16 shall be known and designated by the name so adopted, but no
17 suit, proceeding or instrument shall abate or in anywise be affected
18 by any change of corporate name. (Source: R. S. 40:86-1, **[R. S.**
19 **42:86-2]** *R. S. 40:68-2*).

1 40A:60-2 *Elected Officers*

2 a. The mayor shall be elected by the voters of the municipality
3 at large and serve for a term of four years and until his successor
4 shall have qualified.

5 b. (1) The council shall consist of six members, elected at large,
6 and shall serve for a term of three years and until their successors
7 shall have qualified. Their terms shall be arranged, by lot if neces-
8 sary, so that the terms of two councilmen shall expire at the end
9 of each year; and

10 (2) Notwithstanding the provisions set out in *paragraph* (1)
11 above, a borough that has been divided into wards prior to **[1**
12 **January 1988]** *the effective date of this act* shall continue to
13 be divided into wards for so long as the ordinance establishing
13A the wards remains in effect.

14 c. There shall be held annually, at the time provided by law
15 for holding general elections, an election for borough officers.
16 (Source: R. S. 40:87-1, R. S. 40:87-2 *et seq.*, **[R. S. 42:87-9]**
17 *R. S. 40:87-9* and R. S. 40:87-14.)

1 40A:60-3 *Organization; Officers; Meetings*

2 a. The mayor and **[councilmen of every borough shall consti-**
3 **tute the council thereof. They]** *council* shall hold an annual
4 meeting on the first day of January at 12 o'clock noon, or during
5 the first seven days of January in any year.

6 b. At its annual meeting, the council shall, by the vote of a
7 majority of **[said council, elect from their]** *its* number, *elect*
8 a president of the council, who shall preside at all its meetings when
9 the mayor does not preside. **[He]** *The president of the coun-*
10 *cil* shall hold office for one year and until the next annual meet-
11 ing. He shall have the right to debate and vote on all questions
11A before council.

12 If the council fails to elect a president at the annual meeting,
 13 the mayor shall appoint the president from the council and, in
 14 that case, no confirmation by the council shall be necessary.

15 e. The president of the council shall perform all the duties of
 16 the mayor during any period **in which** the mayor is absent from
 17 the borough for three days or more or is unable to perform the
 18 duties of his office. Where such absence is intended, the president
 19 of the council shall become the acting mayor until the mayor's re-
 20 turn. If the president of the council is unable to perform the
 21 duties of the acting mayor, then the member of council with the
 22 longest term of service may act temporarily for the president of
 22A the council.

23 d. Three councilmen and the mayor or, in the absence of the
 24 mayor, four councilmen shall constitute a quorum for transacting
 25 business.

26 e. The council may, at its annual meeting, establish for its mem-
 27 bers such committees of the council as will assist it for the ensuing
 28 year.

29 f. The council shall hold such other meetings, **[or adjourned*
 30 *meetings,]* at such time and place as **[they]* **it** may by reso-
 31 lution direct, but all regular meetings shall be held within the
 31A borough.

32 g. The mayor shall, when necessary, call special meetings of the
 33 council. In case of his neglect or refusal, any four members of
 34 the council may call such meeting at such time and place in the
 35 borough as they may designate, and in all cases of special meetings
 36 notice shall be given to all the members of the council, or left at
 37 their place of residence.

38 h. No officer **[,]* who has obtained tenure by any provision of
 39 any section herein repealed by section 8 of this act **[,]* shall be
 40 affected in any way by such repeal. (Source: R. S. 40:88-1 to R. S.
 41 40:88-3, and New.)

1 40A:60-4 *General Powers*

2 Every borough **[,]* governed by the borough form of govern-
 3 ment pursuant to this act **[,]* shall, subject to the provisions of
 4 this act or other general law, have full power to **[*:

5 (a) Organize and regulate its internal affairs; establish,
 6 alter and abolish offices, positions and employments; define
 7 the functions, powers and duties thereof; and fix their term,
 8 tenure and compensation;

9 (b) Construct, acquire, operate or maintain all public im-
 10 provements, projects or enterprises for any public purpose,

11 subject to referendum requirements otherwise imposed by
 12 law; and] * exercise all powers of local government in such
 13 manner as its council may determine* [;

14 (c) Contract and be contracted with; buy, sell, lease, hold
 15 and dispose of real and personal property; appropriate and
 16 spend moneys; and adopt, amend and repeal such ordinances
 17 and resolutions as may be required for the good government
 18 thereof; and

19 (d) Exercise powers of condemnation, borrowing and tax-
 20 ation in the manner provided by general law. (Source: P. L.
 21 1950, c. 210, §§ 2-4.)] * * *

1 40A:60-5 *Powers of the Mayor*

2 a. The mayor *[is]* *shall be* the head of the municipal gov-
 2A ernment.

3 b. The mayor *[has]* *shall have* all those powers *[placed
 4 in the mayor]* *designated* by general law.

5 c. The mayor *[presides]* *shall preside* at meetings of the
 6 council and may vote to break a tie.

7 d. Every ordinance adopted by the council shall, within five
 8 days after its passage, Sundays excepted, be presented to the
 9 mayor by the borough clerk. The mayor shall, within ten days
 10 after receiving the ordinance, Sundays excepted, either approve
 11 the ordinance by affixing his signature thereto or return it to
 12 the council by delivering it to the clerk together with a statement
 13 setting forth his objections thereto or any item or part thereof.
 14 No ordinance or any item or part thereof shall take effect without
 15 the mayor's approval, unless the mayor fails to return the ordi-
 16 nance to the council, as prescribed above, or unless the council,
 17 upon consideration of the ordinance following its return, shall,
 18 by a vote of two-thirds of all the members of council, resolve
 19 to override the veto.

20 e. No ordinance shall be passed*, or appointment of any sub-
 21 ordinate officer of the borough be confined,* except by a vote of a
 22 majority of the members of the council present at the meeting,
 23 provided that at least three affirmative votes shall be required for
 23A such purpose, the mayor voting only in the case of a tie.

24 * [f. Every resolution appropriating money or directing the pay-
 25 ment of bills, together with the bills, shall be presented to the
 26 mayor for his approval or veto in the same manner and within
 27 the same time period as is provided for the presentation of ordi-
 28 nances, as described in d. above. A resolution vetoed by the mayor
 29 may be passed by the council over the objection of the mayor

30 in the same manner as provided for passage of vetoed ordinances,
31 as described in d. above.]*

32 ***[g.]*** *f.* If any ordinance contains more than one distinct
33 section, clause or item, the mayor may approve one or more
34 thereof and veto the rest.

35 ***[h.]*** *g.* The mayor shall nominate and, with the advice and
36 consent of ***[the]*** council, appoint all subordinate officers of the
37 borough, unless the specific terms of the general law clearly re-
38 quire a different appointment procedure. He shall make his nomi-
39 nation to any such office within thirty days of that office becoming
39A vacant.

40 ***[i.]*** *h.* The mayor shall see to it that the laws of the
41 ***[state]*** *State* and the ordinances of the borough are faithfully
42 executed. He shall recommend to the council such measures as he
43 may deem necessary or expedient for the welfare of the borough.
44 He shall maintain peace and good order and have the power to
45 suppress all riots and tumultuous assemblies in the borough.
46 (Source: R. S. 40:87-16, R. S. 40:87-31, R. S. 40:88-1, R. S.
47 40:93-1, R. S. 40:93-3 to R. S. 40:93-8, R. S. 40:94-3 and New.)

1 40A:60-6 *Powers of the Council*

2 a. The council ***[is]*** *shall be* the legislative body of the mu-
2A nicipality.

3 b. The council may*, *subject to general law and the provisions*
3A *of this act**:

4 (1) pass, adopt, amend and repeal any ordinance or, where
5 permitted, any resolution for any purpose required for the
6 government of the municipality or for the accomplishment
7 of any public purpose for which the municipality is authorized
8 to act under general law;

9 (2) control and regulate the finances of the municipality
10 and raise money by borrowing or taxation;

11 (3) create such offices and positions as it may deem neces-
12 sary. The officers appointed thereto shall perform the duties
13 required by law and the ordinances of the council. Other
14 than the borough attorney, engineer, and building inspector,
15 these officers shall be residents of the borough and shall serve
16 at the pleasure of the council, except the clerk, the tax col-
17 lector and tax assessor who shall serve for terms as provided
18 in chapter 9 of the Title 40A of the New Jersey Statutes.
19 The council may exempt officers from the residency require-
20 ments but only pursuant to the adoption of an ordinance to
21 that effect;

22 (4) investigate any activity of the municipality;
 23 (5) remove any officer of the municipality, other than ***[the**
 24 mayor or assessor]* **those officers excepted by law**, for
 24A cause; and

25 (6) override a veto of the mayor by a two-thirds majority
 26 of all the members of the council.

27 c. The council ***[has]*** **shall have** all the executive responsi-
 28 bilities of the municipality not placed, by general law or this act,
 29 in the office of the mayor.

30 d. The council, whenever it fails to confirm the nomination by
 31 the mayor of any official to a subordinate office of the borough
 32 within thirty days of being presented such nomination, shall make
 33 the appointment to that office, provided that **at** least three af-
 34 firmative votes shall be required for such purpose, the mayor to
 35 have no vote thereon except in the case of a tie. (Source: R. S.
 36 40:87-15 to R. S. 40:87-16, R. S. 40:93-7, and New.)

1 40A:60-7. *Miscellaneous*

2 a. The borough council may, by ordinance, delegate all or a
 3 portion of the executive responsibilities of the municipality to
 4 an administrator, who ***[is]*** **shall be** appointed pursuant to
 4A N. J. S. 40A:9-136.

5 b. The borough council may, by ordinance, adopt an adminis-
 6 trative code. The administrative code shall restate the major pro-
 7 vision of the borough's charter and the general law supplementing
 8 the charter. The administrative code shall set forth **the manner*
 9 *in which the council shall perform its duties. If the council or-*
 10 *ganizes itself into standing committees or if the council members*
 11 *serve as heads of departments with administrative control over*
 12 *said departments, the administrative code shall specify the powers*
 13 *and duties of such committees or department heads and the man-*
 14 *ner in which they are appointed. The administrative code shall*
 15 *shall set forth** the titles of the principal municipal officers, how
 16 the officers are ***[elected or]*** appointed, how they are organized
 17 into departments, boards, commissions, and other agencies; whom
 18 they supervise, by whom they are supervised; what powers they
 18A have; and what procedure should be followed to carry on the ac-
 18B tivities of the borough government. The administrative code shall
 18C not grant any power or authority, nor authorize any procedure,
 18D unless such power, authority or procedure is authorized implicitly
 18E by the wording of the statute or derived by reasonable implica-
 18F tion therefrom.

19 c. The assets and liabilities of any board, commission or district
 20 created pursuant to the statutes repealed in section 40A:60-8 of
 21 this act shall be transferred to the municipality.

22 d. The borough council may create such advisory councils to the
 23 municipality as it may choose, including councils for the functions
 24 absorbed by it of any heretofore existing boards, commissions or
 25 districts.

26 ***[**e. Any borough heretofore having a garbage district, prior to
 27 the repeal of such a district, as repealed in section 5 of this Act,
 28 shall have its solid waste functions exempt from the provisions
 29 of P. L. 1976, c. 68. (Source: New.)**]***

1 40A:60-8 *Statutes Repealed*

2 The following acts are hereby repealed:

3 R. S. 40:86-1 to R. S. 40:86-5

4 R. S. 40:87-1 to R. S. 40:87-9

5 R. S. 40:87-14 to R. S. 40:87-16

6 R. S. 40:87-29 to R. S. 40:87-30

7 P. L. 1939, c. 285, § 1 (C. 40:87-30.1)

8 P. L. 1953, c. 424, §§ 2 to 3 (C. 40:87-30.2 to C. 40:87-30.4)

9 R. S. 40:87-31

10 R. S. 40:87-46 to R. S. 40:87-58

11 R. S. 40:88-1 to R. S. 40:88-3

12 R. S. 40:88-4 to R. S. 40:88-11

13 R. S. 40:88-13 to R. S. 40:88-17

14 R. S. 40:89-1 to R. S. 40:89-3

15 R. S. 40:90-1 to R. S. 40:90-4

16 P. L. 1981, c. 455 (C. 40:90-5 to C. 40:90-8)

17 R. S. 40:91-1 to R. S. 40:91-7

18 R. S. 40:92-1 to R. S. 40:92-7

19 P. L. 1950, c. 324, § 1 (C. 40:92-7.1)

20 R. S. 40:92-8 to R. S. 40:92-11

21 R. S. 40:93-1 to R. S. 40:93-9

22 R. S. 40:94-1 to R. S. 40:94-6

23 P. L. 1933, c. 376

24 P. L. 1899, c. 209

25 P. L. 1929, c. 2

1 2. This act shall take effect January 1, 1988.

MUNICIPAL GOVERNMENT

Revises the law concerning the borough form of government.

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 17, 1986

By Senator VAN WAGNER

Referred to Committee on County and Municipal Government

AN ACT providing for the borough form of government, repealing parts of the statutory law and adding chapter 60 to Title 40A of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. TITLE 40A
CHAPTER 60
BOROUGHS

1 40A:60-1 Incorporation, Corporate Seal and Change of Name
2 40A:60-2 Elected Officers
3 40A:60-3 Organization, Officers and Meetings
4 40A:60-4 General Powers
5 40A:60-5 Powers of the Mayor
6 40A:60-6 Powers of the Council
7 40A:60-7 Miscellaneous
8 40A:60-8 Statutes Repealed

1 40A:60-1. *Incorporation; Corporate Seal; Change of Name*

2 a. The inhabitants of each of the several boroughs are hereby
3 continued as a body politic and corporate in law as heretofore
4 constituted and established and shall be known by the name of
5 the "the borough of _____, in the county of _____" (as the case
6 may be), and the boundaries of the several boroughs shall be
7 and remain as heretofore established by law.

8 b. Each borough governed by the laws pertaining to the borough
9 form of government shall have full power to sue and be sued and
10 have a corporate seal.

Matter printed in italics thus is new matter.

11 c. Any existing borough may, by resolution of the council, adopt
 12 a name, as prescribed in a. above, and the borough clerk shall then
 13 file a copy of the resolution adopting said name with the county
 14 clerk, certified by the clerk. After the filing of such certificate
 15 said borough shall be known and designated by the name so
 16 adopted, but no suit, proceeding or instrument shall abate or in
 17 anywise be affected by any change of corporate name. (Source:
 18 R. S. 40:86-1, R. S. 42:86-2.)

1 40A:60-2 *Elected Officers*

2 a. The mayor shall be elected by the voters of the municipality
 3 at large and serve for a term of four years and until his successor
 4 shall have qualified.

5 b. (1) The council shall consist of six members, elected at large,
 6 and shall serve for a term of three years and until their successors
 7 shall have qualified. Their terms shall be arranged, by lot if neces-
 8 sary, so that the terms of two councilmen shall expire at the end
 9 of each year; and

10 (2) Notwithstanding the provisions set out in (1) above, a
 11 borough that has been divided into wards prior to 1 January 1988
 12 shall continue to be divided into wards for so long as the ordi-
 13 nance establishing the wards remains in effect.

14 c. There shall be held annually, at the time provided by law
 15 for holding general elections, an election for borough officers.
 16 (Source: R. S. 40:87-1, R. S. 40:87-2 *et seq.*, R. S. 42:87-9 and
 17 R. S. 40:87-14.)

1 40A:60-3 *Organization; Officers; Meetings*

2 a. The mayor and councilmen of every borough shall constitute
 3 the council thereof. They shall hold an annual meeting on the first
 4 day of January at twelve o'clock noon, or during the first seven
 5 days of January in any year.

6 b. At its annual meeting, the council shall, by the vote of a
 7 majority of said council, elect from their number a president
 8 of the council, who shall preside at all its meetings when the mayor
 9 does not preside. He shall hold office for one year and until the
 10 next annual meeting. He shall have the right to debate and vote
 11 on all questions before council.

12 If the council fails to elect a president at the annual meeting,
 13 the mayor shall appoint the president from the council and, in
 14 that case, no confirmation by the council shall be necessary.

15 c. The president of the council shall perform all the duties of
 16 the mayor during any period the mayor is absent from the borough
 17 for three days or more or is unable to perform the duties of his

18 office. Where such absence is intended, the president of the council
 19 shall become the acting mayor until the mayor's return. If the
 20 president of the council is unable to perform the duties of the
 21 acting mayor, then the member of council with the longest term
 22 of service may act temporarily for the president of the council.

23 d. Three councilmen and the mayor or, in the absence of the
 24 mayor, four councilmen shall constitute a quorum for transacting
 25 business.

26 e. The council may, at its annual meeting, establish for its mem-
 27 bers such committees of the council as will assist it for the ensuing
 28 year.

29 f. The council shall hold such other meetings, or adjourned
 30 meetings, at such time and place as they may by resolution direct,
 31 but all regular meetings shall be held within the borough.

32 g. The mayor shall, when necessary, call special meetings of the
 33 council. In case of his neglect or refusal, any four members of
 34 the council may call such meeting at such time and place in the
 35 borough as they may designate, and in all cases of special meetings
 36 notice shall be given to all the members of the council, or left at
 37 their place of residence.

38 h. No officer, who has obtained tenure by any provision of any
 39 section herein repealed by section 8 of this act, shall be affected
 40 in any way by such repeal. (Source: R. S. 40:88-1 to R. S.
 41 40:88-3, and New.)

1 *40A:60-4 General Powers*

2 Every borough, governed by the borough form of government
 3 pursuant to this act, shall, subject to the provisions of this act
 4 or other general law, have full power to:

5 (a) Organize and regulate its internal affairs; establish,
 6 alter and abolish offices, positions and employments; define
 7 the functions, powers and duties thereof; and fix their term,
 8 tenure and compensation;

9 (b) Construct, acquire, operate or maintain all public im-
 10 provements, projects or enterprises for any public purpose,
 11 subject to referendum requirements otherwise imposed by
 12 law; and exercise all powers of local government in such man-
 13 ner as its council may determine;

14 (c) Contract and be contracted with; buy, sell, lease, hold
 15 and dispose of real and personal property; appropriate and
 16 spend moneys; and adopt, amend and repeal such ordinances
 17 and resolutions as may be required for the good government
 18 thereof; and

19 (d) Exercise powers of condemnation, borrowing and tax-
20 ation in the manner provided by general law. (Source: P. L.
21 1950, c. 210, §§ 2-4.)

1 40A:60-5 *Powers of the Mayor*

2 a. The mayor is the head of the municipal government.

3 b. The mayor has all those powers placed in the mayor by
4 general law.

5 c. The mayor presides at meetings of the council and may vote
6 to break a tie.

7 d. Every ordinance adopted by the council shall, within five
8 days after its passage, Sundays excepted, be presented to the
9 mayor by the borough clerk. The mayor shall, within ten days
10 after receiving the ordinance, Sundays excepted, either approve
11 the ordinance by affixing his signature thereto or return it to
12 the council by delivering it to the clerk together with a statement
13 setting forth his objections thereto or any item or part thereof.
14 No ordinance or any item or part thereof shall take effect without
15 the mayor's approval, unless the mayor fails to return the ordi-
16 nance to the council, as prescribed above, or unless the council,
17 upon consideration of the ordinance following its return, shall,
18 by a vote of two-thirds of all the members of council, resolve
19 to override the veto.

20 e. No ordinance shall be passed except by a vote of a majority
21 of the members of the council present at the meeting, provided
22 that at least three affirmative votes shall be required for such
23 purpose, the mayor voting only in the case of a tie.

24 f. Every resolution appropriating money or directing the pay-
25 ment of bills, together with the bills, shall be presented to the
26 mayor for his approval or veto in the same manner and within
27 the same time period as is provided for the presentation of ordi-
28 nances, as described in d. above. A resolution vetoed by the mayor
29 may be passed by the council over the objection of the mayor
30 in the same manner as provided for passage of vetoed ordinances,
31 as described in d. above.

32 g. If any ordinance contains more than one distinct section,
33 clause or item, the mayor may approve one or more thereof and
34 veto the rest.

35 h. The mayor shall nominate and, with the advice and consent
36 of the council, appoint all subordinate officers of the borough,
37 unless the specific terms of the general law clearly require a
38 different appointment procedure. He shall make his nomination
39 to any such office within thirty days of that office becoming vacant.

40 i. The mayor shall see to it that the laws of the state and the

41 ordinances of the borough are faithfully executed. He shall rec-
 42 commend to the council such measures as he may deem necessary
 43 or expedient for the welfare of the borough. He shall maintain
 44 peace and good order and have the power to suppress all riots
 45 and tumultuous assemblies in the borough. (Source: R. S. 40:87-16,
 46 R. S. 40:87-31, R. S. 40:88-1, R. S. 40:93-1, R. S. 40:93-3 to R. S.
 47 40:93-8, R. S. 40:94-3 and New.)

1 **40A:60-6 Powers of the Council**

2 a. The council is the legislative body of the municipality.

3 b. The council may:

4 (1) pass, adopt, amend and repeal any ordinance or, where
 5 permitted, any resolution for any purpose required for the
 6 government of the municipality or for the accomplishment
 7 of any public purpose for which the municipality is authorized
 8 to act under general law;

9 (2) control and regulate the finances of the municipality
 10 and raise money by borrowing or taxation;

11 (3) create such offices and positions as it may deem neces-
 12 sary. The officers appointed thereto shall perform the duties
 13 required by law and the ordinances of the council. Other
 14 than the borough attorney, engineer, and building inspector,
 15 these officers shall be residents of the borough and shall serve
 16 at the pleasure of the council, except the clerk, the tax col-
 17 lector and tax assessor who shall serve for terms as provided
 18 in chapter 9 of the Title 40A of the New Jersey Statutes.
 19 The council may exempt officers from the residency require-
 20 ments but only pursuant to the adoption of an ordinance to
 21 that effect;

22 (4) investigate any activity of the municipality;

23 (5) remove any officer of the municipality, other than the
 24 mayor or assessor, for cause; and

25 (6) override a veto of the mayor by a two-thirds majority
 26 of all the members of the council.

27 c. The council has all the executive responsibilities of the munic-
 28 ipality not placed, by general law or this act, in the office of the
 29 mayor.

30 d. The council, whenever it fails to confirm the nomination by
 31 the mayor of any official to a subordinate office of the borough
 32 within thirty days of being presented such nomination, shall make
 33 the appointment to that office, provided that least three affirmative
 34 votes shall be required for such purpose, the mayor to have no
 35 vote thereon except in the case of a tie. (Source: R. S. 40:87-15
 36 to R. S. 40:87-16, R. S. 40:93-7, and New.)

1 40A:60-7. *Miscellaneous*

2 a. The borough council may, by ordinance, delegate all or a
3 portion of the executive responsibilities of the municipality to
4 an administrator, who is appointed pursuant to N. J. S. 40A:9-136.

5 b. The borough council may, by ordinance, adopt an adminis-
6 trative code. The administrative code shall restate the major pro-
7 vision of the borough's charter and the general law supplementing
8 the charter. The administrative code shall set forth the titles of
9 the principal municipal officers, how the officers are elected or
10 appointed, how they are organized into departments, boards, com-
11 missions, and other agencies; whom they supervise, by whom they
12 are supervised; what powers they have; and what procedure
13 should be followed to carry on the activities of the bor-
14 ough government. The administrative code shall not grant
15 any power or authority, nor authorize any procedure, unless
16 such power, authority or procedure is authorized implicitly by
17 the wording of the statute or derived by reasonable implication
18 therefrom.

19 c. The assets and liabilities of any board, commission or district
20 created pursuant to the statutes repealed in section 40A:60-8 of
21 this act shall be transferred to the municipality.

22 d. The borough council may create such advisory councils to the
23 municipality as it may choose, including councils for the functions
24 absorbed by it of any heretofore existing boards, commissions or
25 districts.

26 e. Any borough heretofore having a garbage district, prior to
27 the repeal of such a district, as repealed in section 5 of this Act,
28 shall have its solid waste functions exempt from the provisions
29 of P. L. 1976, c. 68. (Source: New.)

1 40A:60-8 *Statutes Repealed*

2 The following acts are hereby repealed:

3 R. S. 40:86-1 to R. S. 40:86-5

4 R. S. 40:87-1 to R. S. 40:87-9

5 R. S. 40:87-14 to R. S. 40:87-16

6 R. S. 40:87-29 to R. S. 40:87-30

7 P. L. 1939, c. 285, § 1 (C. 40:87-30.1)

8 P. L. 1953, c. 424, §§ 2 to 3 (C. 40:87-30.2 to C. 40:87-30.4)

9 R. S. 40:87-31

10 R. S. 40:87-46 to R. S. 40:87-58

11 R. S. 40:88-1 to R. S. 40:88-3

12 R. S. 40:88-4 to R. S. 40:88-11

13 R. S. 40:88-13 to R. S. 40:88-17

14 R. S. 40:89-1 to R. S. 40:89-3

- 15 R. S. 40:90-1 to R. S. 40:90-4
 16 P. L. 1981, c. 455 (C. 40:90-5 to C. 40:90-8)
 17 R. S. 40:91-1 to R. S. 40:91-7
 18 R. S. 40:92-1 to R. S. 40:92-7
 19 P. L. 1930, c. 341, 342 (C. 40:92-1, 2)
 20 R. S. 40:92-8 to R. S. 40:92-11
 21 R. S. 40:93-1 to R. S. 40:93-9
 22 R. S. 40:94-1 to R. S. 40:94-6
 23 P. L. 1933, c. 376
 24 P. L. 1899, c. 209
 25 P. L. 1929, c. 2
 1 2. This act shall take effect January 1, 1988.

SPONSOR'S STATEMENT

This bill is a revision of laws pertaining to the borough form of government. It repeals all the laws presently enacted, concerning the organization of the borough form of government, and rewrites them in a clear and simplified form. The aim of this bill is to provide a law describing the borough form of government which is readily understandable to citizens and municipal officials alike.

This bill is a result of the recommendations of a report made to the Legislature and Governor by the County and Municipal Government Study Commission on the traditional forms of municipal government in New Jersey. A major finding of the report was that these municipal laws were last revised thoroughly in the 1890s and contain much which is now outdated, redundant and even in conflict with more modern general municipal law. Thus, the bill aims to provide for borough officials clear guidelines as to the operation of their municipal government and, at the same time, to reduce the ambiguity or conflict with more recent general laws inherent in the present borough laws, while retaining for its citizens all the positive characteristics of the borough form of government.

The bill provides for a borough council of six members elected at large for three year terms and a mayor elected at large for a four year term. Of the 220 boroughs operating under this form, 218 follow this pattern of organization. The bill provides also for such variation in the method of election of the borough council and mayor, as exists presently in two boroughs, Roselle and Roselle Park, to be continued.

MUNICIPAL GOVERNMENT

Revises the law concerning the borough form of government.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

SENATE, No. 2780

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 21, 1987

The Senate County and Municipal Government Committee reports favorably and with committee amendments Senate Bill No. 2780.

Senate Bill No. 2780 Sea is a revision of laws pertaining to the borough form of government. It repeals all the laws presently enacted concerning the organization of the borough form of government and rewrites them in a clear and simplified form. The aim of this bill is to provide a law describing the borough form of government which is readily understandable to citizens and municipal officials alike.

This bill is a result of the recommendations of a report made to the Legislature and Governor by the County and Municipal Government Study Commission on the traditional forms of municipal government in New Jersey. A major finding of the report was that these municipal laws were last revised thoroughly in the 1890s and contain much which is now outdated, redundant and even in conflict with more modern general municipal law. Thus, the bill aims to provide for borough officials clear guidelines as to the operation of their municipal government and, at the same time, to reduce the ambiguity or conflict with more recent general laws inherent in the present borough laws, while retaining for its citizens all the positive characteristics of the borough form of government. The bill is not intended to alter the current division of powers between the mayor and borough council in municipalities governed by its provisions.

The bill provides for a borough council of six members elected at large for three-year terms and a mayor elected at large for a four-year term. Of the 220 boroughs operating under this form, 218 already follow this pattern of organization. The bill also provides for continuation of such variation in the method of election of the borough council and mayor as exists presently in two boroughs, Roselle and Roselle Park.

The committee amended the bill to remove certain provisions which are redundant of general law and which expand the contents of the *administrative code*, which a municipality may adopt. The amendments also make various technical changes which bring the text into conformity with the style and form of statutory law.