

40: 87-15

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40:87-15 (Borough clerks-- exempt from residency requirements)

LAWS OF: 1987 CHAPTER: 351

Bill No: A330

Sponsor(s): Kern

Date Introduced: Pre-filed

Committee: Assembly: Municipal Government  
Senate: County and Municipal Government

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

Date of Passage: Assembly: August 3, 1987  
Senate: December 21, 1987

Date of Approval: January 4, 1988

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee statement: Assembly Yes  
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

Sponsors statement:

This bill would permit the governing body of a borough, by ordinance, to exempt its borough clerk from residency requirements. Currently, borough clerks may be exempted from residency only in boroughs with a population under 2,500.

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**ASSEMBLY, No. 330****STATE OF NEW JERSEY**

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblyman KERN

AN ACT concerning the residency requirement for certain borough officials and amending R. S. 40:87-15.

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

1 1. R. S. 40:87-15 is amended to read as follows:

2 40:87-15. *a.* In addition to the officers to be elected there shall  
3 be appointed a clerk. In boroughs, with a population of less than  
4 10,000, the tax collector may also be appointed the clerk. There  
5 may be appointed a borough treasurer, a borough attorney, a  
6 borough engineer, a borough building inspector, one or more  
7 marshals, a poundkeeper, a superintendent of highways, and such  
8 other officers as the council may deem necessary. **[They]** *These*  
9 *officers* shall perform the duties required by law and the ordinances  
10 of the council. **[All of these officers, except the borough clerk,**  
11 *borough attorney, borough engineer, borough building inspector,*  
12 *borough poundkeeper and, in boroughs with a population of less*  
13 *than 2,500, the clerk and the borough treasurer, where such office-*  
14 *holders do not at the same time occupy a second office for which*  
15 *residency is required,]* \***[Except]**\* *\*All of these officers, except the*  
16 *borough clerk, borough attorney, borough engineer, borough build-*  
17 *ing inspector, borough poundkeeper and, in boroughs with a*  
18 *population of less than 2,500, the clerk and the borough treasurer,*  
19 *where such office holders do not at the same time occupy a second*  
20 *office for which residency is required, except\* as may be provided*

**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:**

\*—Assembly committee amendments adopted October 20, 1986.

21 *for pursuant to subsection b. of this section, \***[they]**\** shall be  
 22 residents of the borough**[, and all of them]**. *They* shall hold office  
 23 during the pleasure of the council except the clerk, tax collector,  
 24 and tax assessor who shall serve for terms as provided in chapter  
 25 9 of Title 40A of the New Jersey Statutes**[; however, all exemp-**  
 26 tions from residency requirements shall only be made pursuant to  
 27 the adoption of a municipal ordinance to that effect**]**. No officer  
 27A shall be removed without being afforded an opportunity to be heard.  
 27B Unless sooner removed, however, they shall hold office for one year,  
 27C and until their successors shall have qualified, except the clerk, tax  
 27D collector, and tax assessor who shall serve for terms as provided  
 27E in chapter 9 of Title 40A of the New Jersey Statutes.

28 *b. Any of the following officials may be exempted**[, by ordi-***  
 29 *nance,**]** from the residency requirement set forth in subsection a.*  
 30 *of this section, provided that the official does not also hold a second*  
 31 *office for which residency is required:*

32 (1) *In any borough:*

33 (a) *the borough attorney;*

34 (b) *the borough engineer;*

35 (c) *the borough building inspector;*

36 (d) *the borough poundkeeper; and*

37 (e) *the borough clerk; and*

38 (2) *In a borough with a population of less than 2,500, according*  
 39 *to the latest federal decennial census, the borough treasurer.\**

1 2. This act shall take effect immediately.

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## LOCAL OFFICERS AND EMPLOYEES

Exempts certain municipal officers from residency requirements.

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23 be removed without being afforded an opportunity to be heard.  
24 Unless sooner removed, however, they shall hold office for one year,  
25 and until their successors shall have qualified, except the clerk, tax  
26 collector, and tax assessor who shall serve for terms as provided  
27 in chapter 9 of Title 40A of the New Jersey Statutes.

28 \*b. *Any of the following officials may be exempted, by ordinance,*  
29 *from the residency requirement set forth in subsection a. of this*  
30 *section, provided that the official does not also hold a second office*  
31 *for which residency is required:*

32 (1) *In any borough:*

33 (a) *the borough attorney;*

34 (b) *the borough engineer;*

35 (c) *the borough building inspector;*

36 (d) *the borough poundkeeper; and*

37 (e) *the borough clerk; and*

38 (2) *In a borough with a population of less than 2,500, according*  
39 *to the latest federal decennial census, the borough treasurer.\**

1 2. This act shall take effect immediately.

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#### STATEMENT

This bill would permit the governing body of a borough, by ordinance, to exempt its borough clerk from residency requirements. Currently, borough clerks may be exempted from residency only in boroughs with a population under 2,500.

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ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE  
STATEMENT TO

**ASSEMBLY, No. 330**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: OCTOBER 20, 1986

The Assembly Municipal Government Committee favorably reports Assembly Bill No. 330 with Assembly committee amendments.

This bill permits the governing body of a borough to exempt, by ordinance, its borough clerk from the residency requirement set forth in R. S. 40:87-15, unless the clerk holds a second office for which residency is required. Under present law, borough clerks may be exempted from the residency requirement only in boroughs with a population under 2,500.

The bill was amended by the committee to allow municipalities to exempt certain enumerated officers from the residency requirement without the necessity of enacting an ordinance for each exemption.

This bill was pre-filed for introduction in the 1986 session pending technical review. As reported the bill includes the changes required by technical review.

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SENATE COUNTY AND MUNICIPAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 330**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 14, 1987

The Senate County and Municipal Government Committee reports favorably Assembly Bill No. 330 Aca.

Assembly Bill No. 330 Aca permits the governing body of a borough to exempt, by resolution, its borough clerk, and certain other enumerated officials, from the residency requirement set forth in R. S. 40:87-15, unless the clerk, or other official, holds a second office for which residency is required. Under present law, borough clerks may be exempted from the residency requirement only in boroughs with a population under 2,500. Certain boroughs that lack affordable housing have had difficulty filling offices with persons who can afford to live within the borough, as required by law.

A borough treasurer may be exempted from residency requirements only in a borough with a population of less than 2,500, according to the latest federal decennial census.