

PUBLIC NOTICE
CITY OF ELIZABETH, NEW JERSEY
NOTICE OF PUBLIC HEARING

Notice is hereby given that the following proposed ordinance was introduced and passed on its first reading at a meeting of City Council of the City of Elizabeth, the County of Union, held on the 8th of March, 2011, and that said ordinance will be taken up for further consideration for final passage at a meeting of the City Council to be held in the City Council Chamber, City Hall, Winfield Scott Plaza, Elizabeth, New Jersey, on the 22nd day of March, 2011, at 7:30 P.M. or as soon thereafter as the matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the ordinance.

A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the City Hall, and a copy is available up to and including the time of said meeting to the members of the general public of the City who shall request same, at the City Clerk's Office, City Hall, Elizabeth, New Jersey.

YOLANDA M. ROBERTS, R.M.C.
CITY CLERK

AN ORDINANCE AMENDING CHAPTER 2.56 OF THE CODE OF THE CITY OF ELIZABETH TO ADD ARTICLE X ENTITLED "CONSTABLES," SPECIFICALLY TO ESTABLISH AND GOVERN THE APPOINTMENT OF CONSTABLES.

WHEREAS, the position of constable as long existed without clear direction on how constables were to be appointed; the scope of a constable's duty; the duration of a constable's term of office and so forth;

and

WHEREAS, the City Council of the City of Elizabeth, by virtue of the authority granted to it by the State, can appoint and regulate constables:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH that Chapter 2.56 of the *Code of the City of Elizabeth* be amended to include the following:

SECTION 1. - ARTICLE X - CONSTABLES

2.56.410 - Appointment of Constables.

Pursuant to N.J.S.A. 40A:9-120, the governing body may, by resolution, appoint not less than 2 nor more than 50 constables.

To be eligible, individuals to be appointed constable shall be residents and qualified voters of the municipality for at least 3 years prior to his or her appointment, and be of good moral character.

Individuals seeking to be appointed constable must first complete an application form from the Police Department. Subject to approval of the application by the Chief of Police, the constable candidate must then pass a background check and be fingerprinted, both of which must be paid for by the person seeking appointment as constable. Provided that the constable candidate meet these requirements, he or she must additionally pay a \$50.00 fee to the City Clerk for the privilege of holding the office, pursuant to N.J.S.A. 40A:9-123. Only after these requirements have been met, and the requisite fees paid, may the governing body, by resolution, appoint the individual a constable.

2.56.420 - Constables; Powers and Duties.

Constables may serve any warrant, any process issued by the court, assist in landlord-tenant court proceedings, and perform such other duties as may be allowed by law.

2.56.430 - Jurisdiction of Constables.

Pursuant to N.J.S.A. 40A:9-120, constables may exercise their functions and perform their duties anywhere in the county wherein the appointing municipality is located.

2.56.440 - Constables; terms of office.

Pursuant to N.J.S.A. 40A:9-121, every constable shall qualify within 30 days from the date of resolution of appointment and shall hold office for a term of 3 years from the date of the resolution of appointment, unless the governing body by its resolution of appointment shall fix a one-year term.

2.56.450 - Constable's oath.

Pursuant to N.J.S.A. 40A:9-124, every person appointed as a constable, before entering upon the duties of his or her office, shall take, subscribe and file with the municipal clerk the following oath:

"I (state name), constable of the County of Union do solemnly swear (or affirm) to support the Constitution of this State and of the United States, and to perform the duties of my office as constable faithfully, impartially and justly to the best of my ability."

The oath may be administered by the municipal clerk or by any person authorized by law to administer oaths.

2.56.460 - Constables; badges.

Pursuant to N.J.S.A. 40A:9-122, the City shall supply each constable with a badge suitably inscribed, to be returned at the expiration of the constable's term.

The constable's badge of the City of Elizabeth shall be an encircled cross, in gold, with the Seal of the City Of Elizabeth in the center. The circle shall be inscribed with the words "CONSTABLE" above the Seal of the City of Elizabeth, and the words "CITY OF ELIZABETH" inscribed on the circle below the Seal of the City of Elizabeth.

2.56.470 - Constable's reports.

Pursuant to N.J.S.A. 40A:9-126.1, every constable shall on or before the first Wednesday following the first Monday of every month, file with the Elizabeth City Council by filing with the City Clerk, a report of his/her official activities, other than in connection with court or judicial proceedings, for the month immediately past. The City Clerk shall forward a copy of the constable's report to the Chief of Police.

The report shall list the names and addresses of all persons contacted by the constable in his/her official capacity, together with the date, time and purpose of the contact. In addition the report shall contain an accurate statement of all fees collected by the constable and from whom and for what service each fee was collected.

The failure by a constable to file such a report, for two (2) consecutive months, unless he or she was prevented from so doing by reason of physical incapacity, shall result in the office being deemed vacant and he/she shall be barred from exercising the rights and privileges thereof.

2.56.480 - Annual charges payable by constables.

Pursuant to N.J.S.A. 40A:9-123, there shall be an annual charge for the privilege of holding the office, to be paid by each constable in an amount of \$50:00 payable to the City Clerk when appointed, and on the anniversary date of such appointment, yearly.

2.56.490 - Constable's bond.

Pursuant to N.J.S.A. 40A:9-125, every person appointed as a constable, before entering upon the execution of his/her office, shall give bond in the amount of \$10,000. The bond shall be filed in the office of the City Clerk. The terms and conditions and the surety of said bond must be acceptable to the City Attorney.

2.56.500 - Actions on constable's bond.

Pursuant to N.J.S.A. 40A:9-126, actions on a constable's bond may be prosecuted in the Superior Court in like manner as in the case of actions on a sheriff's bond. Applications incidental to such actions may be made to the Superior Court in similar manner as in the case of applications incidental to actions and proceedings on official bonds as provided in Title 2A of the New Jersey Statutes. In any such action or proceeding any party in interest shall be entitled on demand to a jury trial. In any such action or proceeding a municipality shall not be liable for costs unless otherwise provided by the rules of the court.

If any person shall sustain loss by the neglect or default of any constable in the discharge of his/her official duties such person shall have an action in his/her own right upon the constable's bond.

SECTION 2.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are and the same are hereby repealed.

SECTION 3.

If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

SECTION 4.

The effective date of this Ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

PASSED: _____

JOSEPH KEENAN
PRESIDENT OF CITY COUNCIL

APPROVED: _____

J. CHRISTIAN BOLLWAGE
MAYOR

ATTEST: _____
YOLANDA M. ROBERTS, R.M.C.
MUNICIPAL CLERK