

**AN ORDINANCE OF THE TOWNSHIP OF WOOLWICH, COUNTY OF
GLOUCESTER AND STATE OF NEW JERSEY ESTABLISHING A JOINT
MUNICIPAL COURT WITH THE TOWNSHIP OF SOUTH HARRISON AND THE
BOROUGH OF SWEDESBORO; REPEALING AND AMENDING CHAPTER 12 OF
THE GENERAL ORDINANCES OF THE TOWNSHIP OF WOOLWICH; AND
APPROVING A JOINT MUNICIPAL COURT SHARED SERVICES AGREEMENT
FOR THE OPERATION OF THE JOINT MUNICIPAL COURT WITH THE
TOWNSHIP OF SOUTH HARRISON AND THE BOROUGH OF SWEDESBORO**

2019-16

WHEREAS, N.J.S.A. 2B:12-1(b) authorizes the formation of Joint Municipal Court provided that an Agreement is entered into by the Township of Woolwich; South Harrison Township; and the Borough of Swedesboro provided that the Agreement is filed with the State of New Jersey Administrative Director of the Courts and the Assignment Judge of the Superior Court of New Jersey, Gloucester County; and

WHEREAS, the Township Committee of the Township of Woolwich has determined that it is in the best interests of the Township to establish a Joint Municipal Court with the Township of South Harrison and the Borough of Swedesboro; and

WHEREAS, the Township of Woolwich further desires to enter into an Agreement to form a Joint Municipal Court with the Township of South Harrison and the Borough of Swedesboro and to participate in the Joint Municipal Court with these municipalities; and

WHEREAS, the aforesaid Joint Municipal Court participants (hereinafter sometimes referred to as the “Participating Municipalities”) wish and desire to establish a Joint Municipal Court upon the terms and conditions established by the Joint Municipal Court Agreement approved by this Ordinance and incorporated herein by reference; and

WHEREAS, the Township Committee of the Township of Woolwich deems it in the best interests of the Township to accordingly abolish the Municipal Court for the Township of Woolwich and establish a Joint Municipal Court for the Participating Municipalities named herein, to be known as the “Woolwich Township Joint Municipal Court”.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Woolwich, County of Gloucester, State of New Jersey, with the Mayor concurring, as follows:

Section 1.

The Municipal Court of the Township of Woolwich is hereby abolished and Chapter 12 of the Township Code is hereby repealed, in its entirety, and amended to read, as follows:

10-1. Establishment.

A Joint Municipal Court is hereby established, pursuant to the provisions of N.J.S.A. 2B:12-1, et. seq., as amended and supplemented, consisting of the Township of Woolwich; Township of South Harrison; and the Borough of Swedesboro. The Joint Municipal Court is created in accordance with a certain Agreement whereby the court is to be hereinafter known as the Woolwich Joint Municipal Court.

13-2. Name.

The name of the Joint Municipal Court shall be the “Woolwich Joint Municipal Court”

Section 2.

This Ordinance shall be effective on or about 12:00 a.m. on October 1, 2019, following due notice as provided in accordance with Section 3 hereof. All summonses, warrants and other matters issuing, arising from or within the jurisdiction of the Township of Woolwich and the other Participating Municipalities shall be within the jurisdiction of the Woolwich Joint Municipal Court of the Township of Woolwich on and after the aforesaid October 1, 2019, including those matters arising prior to such date which have not theretofore been completed.

Section 3.

Written notice of the appeal and abolishment of the Municipal Court of the Township of Woolwich, and the establishment of the Woolwich Joint Municipal Court, shall be provided to the Administrative Office of the Courts and the Assignment Judge of the Vicinage, and posted in the Municipal Buildings of each Participating Municipality at a location where Public Notices are routinely posted.

Section 4.

The purpose of this Ordinance is to establish a single Joint Municipal Court to be located in the Township of Woolwich 120 Village Green Drive, Woolwich Township, New Jersey 08085.

Section 5.

The Township Committee of the Township of Woolwich hereby approves of the terms and conditions of the Shared Service Agreement between the Participating Municipalities to establish the “Woolwich Joint Municipal Court”, such Agreement attached hereto and incorporated herein by reference. The Mayor and Clerk of the Township of Woolwich are

hereby expressly authorized to execute and deliver the aforesaid Agreement on behalf of the Township.

Section 6.

Under and pursuant to the provisions of N.J.S.A.2B:12-1, et seq., a Joint Municipal Court to be known as the “Woolwich Joint Municipal Court” is hereby established.

Section 7.

The Joint Municipal Court of the Township of Woolwich shall have an official seal bearing the impression of the name of the Court.

Section 8.

The jurisdiction of the Woolwich Joint Municipal Court of the Township of Woolwich shall be coextensive with the Municipal territory of the Participating Municipalities and the Township of Woolwich.

Section 9.

In accordance with N.J.S.A.2B:12-4, as amended, the Judge of the Joint Municipal Court of the Township Woolwich be appointed by the Governor with the advice and consent of the Senate, and shall have such qualifications as is now or may be required by law and shall serve for a term of three (3) years from the date of appointment until a qualified successor has been appointed and qualified. Compensation of the Judge shall be at an annual salary and other compensation as is now or hereinafter may be provided by Ordinance and in accordance with the terms of the aforesaid Shared Service Agreement.

Section 10.

The appointment of a Joint Municipal Court Administrator and such number of Deputy Court Administrators shall be appointed as provided consistent with this Ordinance and in accordance with the terms of the aforesaid Shared Service Agreement between the Participating Municipalities.

Section 11.

The Woolwich Joint Municipal Court staff shall be appointed in a manner consistent with this Ordinance and in accordance with the terms of the aforesaid Shared Service Agreement.

Section 12.

Such number of Joint Municipal Court Prosecutors shall be appointed in the manner provided by this Ordinance and in accordance with the terms of the aforesaid Shared Service Agreement with a Joint Municipal Court Prosecutor to have such jurisdiction, powers and duties as prescribed by N.J.S.A.2B:25-1, et seq.

Section 13.

Joint Municipal Court Public Defender

(a) Appointment. The Joint Municipal Court Public Defender shall be appointed in a manner consistent with the terms of this Ordinance and in accordance with the terms of the aforesaid Shared Service Agreement, and shall have such jurisdiction, powers and duties as prescribed by N.J.S.A.2B:24-1, et seq.

(b) Representation. Any person applying to the Woolwich Joint Municipal Court for representation by a Municipal Public Defender shall, in accordance with the provisions of N.J.S.A.2B:24-17, pay an Application Fee of not more than Two Hundred Dollars (\$200.00), but only in such amount determined by the Woolwich Joint Municipal Court Judge which is necessary to pay the necessary costs of Municipal Public Defender's services. The Joint Municipal Court Judge may waive the application of such Fee in whole, or in part, if the Court determines, in its discretion, that the Application Fee represents an unreasonable burden on the person seeking representation. Said determination shall be made in accordance with applicable law and the Rules of Court.

(c) Alternate Method of Collection. If payment of Municipal Public Defender Fees is deferred by the Joint Municipal Court Judge, or if the Fee is otherwise unpaid, then each of the Participating Municipalities may endeavor to collect the Fee in a manner authorized by N.J.S.A.40:6A-1 and N.J.S.A.2A:158A-19.

Section 14.

Repealer. All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 15.

Severability. If any provision of this Ordinance or the application of this Ordinance to any person, entity or circumstances is held invalid by any Court of jurisdiction, the remainder of such provisions of this Ordinance not so deemed invalid shall remain in full force and effect.

Section 16.

Effective Date. This Ordinance shall only be effective upon the last of the following to occur:

- 1) Its adoption and publication in accordance with law; and
- 2) Approval of the establishment of the Joint Municipal Court by the Administrative Office of the Courts; and
- 3) An Ordinance duly authorized and adopted by the governing body of each of the Participating Municipalities.

TOWNSHIP OF WOOLWICH

By:_____

Vernon Marino, Mayor

ATTEST:

Jane DiBella, Clerk

NOTICE

The foregoing Ordinance was introduced at a special meeting of the Mayor and Township Committee of the Township of Woolwich conducted on September 9, 2019, and will be considered for final hearing and adoption at a meeting to be held on the 30th day of September, 2019, at 5:30 p.m. at which time any objections hereto may be heard in the Municipal Building of Woolwich Township, 120 Village Green Drive, Woolwich Township, New Jersey.

Jane DiBella, Clerk

NOTICE

**AN ORDINANCE OF THE TOWNSHIP OF WOOLWICH
AMENDING AND SUPPLEMENTING CHAPTER 12 OF THE
CODE OF THE TOWNSHIP OF WOOLWICH ENTITLED “COURT”**

NOTICE is hereby given that the foregoing Ordinance 2019-16 was finally adopted at a meeting of the Woolwich Township Committee held on the 30th day of September 2019 at 5:30 p.m. in the Woolwich Township Municipal Building, 120 Village Green Drive, Woolwich Township, New Jersey.

Jane DiBella

Municipal Clerk