AN ORDINANCE BY PRINCETON CONCERNING MUNICIPAL COURT AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, *N.J.S.A.* 40:43-66.35 consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to *N.J.S.A.* 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, the Princeton Council's Code Subcommittee has reviewed and consolidated various sections and chapters of the "Code of the Borough of Princeton, New Jersey, 1974" and the "Code of the Township of Princeton, New Jersey, 1968" pertaining to the Municipal Court of Princeton and its personnel; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Chapter 20 of the "Code of the Borough of Princeton, New Jersey, 1974," and Chapter 12 of the "Code of the Township of Princeton, New Jersey, 1968," governing the "Municipal Court" are hereby repealed.

Section 2. Section 2-66 of Chapter 2 of the "Code of the Borough of Princeton, New Jersey, 1974" and Section 2-93 of Chapter 2 of the "Code of the Township of Princeton, New Jersey, 1968," also governing the "Municipal Court," are hereby repealed.

Section 3. Article XVII of the "Code of the Township of Princeton, New Jersey, 1968," governing the office of Municipal Court Administrator is hereby repealed.

Section 4. A NEW Chapter 12 of the "Code of the Township of Princeton, New Jersey, 1968," entitled "Municipal Court" as set forth on Exhibit A attached hereto and made a part hereof is hereby adopted to set forth the general functions of the Municipal Court of Princeton, and to replace the aforementioned provisions of the "Code of the Borough of Princeton, New Jersey, 1974" and the "Code of the Township of Princeton, New Jersey, 1968".

Section 5. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 7. The provisions of the attached Chapter 12 shall be applicable within Princeton upon final adoption and shall become a part of the new Princeton Code once completed and adopted.

The foregoing ordinance was introduced at a meeting of the Mayor and Council of Princeton held on May 5, 2014 and will be further considered for final passage after a public hearing thereon at a meeting of said Mayor and Council to be held at the Princeton Municipal Complex, 400 Witherspoon Street on May 27, 2014 which begins at 7:00 p.m.

Kathleen K Brzezynski

Kathleen K. Brzezynski
Deputy Clerk

EXHIBIT A

CHAPTER 12. MUNICIPAL COURT.

Sec. 12-1. Court Established.

A municipal court for the municipality of Princeton is established pursuant to N.J.S.A. 2B:12-1 *et seq.*

Sec. 12-2. Name of court.

The name of the municipal court shall be the "Municipal Court of Princeton."

Sec. 12-3. Appointment and term of office of municipal court judge.

There shall be a municipal judge of the municipal court, who shall be appointed by the mayor with the advice and consent of the council and shall serve for a term of three years from the date of appointment and until a successor is appointed and qualified. Any appointments to fill a vacancy not caused by the expiration of term shall be made for the unexpired term only.

Sec. 12-4. Additional municipal judges.

With the written consent of the Assignment Judge of the vicinage, the municipality may (1) increase the number of judgeships of the municipal court, or (2) appoint one or more temporary judges. Each term of a temporary judge shall not exceed one year. Appointment of any of the foregoing additional judges shall be made by the mayor with the advice and consent of the council.

Sec. 12-5. Designation of acting judge.

Subject to the Rules of Court, the Assignment Judge of the vicinage may appoint an acting judge of the municipal court to serve as judge temporarily when the municipal court judge is unable to hold the municipal court or for other cause.

Sec. 12-6. Qualification of judges; compensation.

The municipal court judge shall be a resident of New Jersey and an attorney-at-law admitted to practice in this state for at least five years. The municipal court judge shall be paid an annual salary in an amount prescribed by the council in the annual salary ordinance.

Sec. 12-7. Territorial jurisdiction.

The municipal court shall have jurisdiction over cases arising within Princeton, namely, those specified offenses enumerated in N.J.S.A. 2B:12-17, and as may be otherwise conferred by the laws of New Jersey.

Sec. 12-8. Time and place of holding court.

The municipal court shall be held at the municipal building at 400 Witherspoon Street, Princeton, NJ at the time designated by the municipal judge, and at such other times as the business of the court may require, subject to the rules applicable to municipal courts.

Sec. 12-9. Municipal Court Administrator; Deputy Administrator; Court Employees.

There shall be a certified municipal court administrator and a certified deputy court administrator of the municipal court, as well as other necessary employees. The court administrator and deputy court administrator shall be appointed by the mayor with the advice and consent of the council, and shall be compensated in accordance with the annual salary ordinance. The municipal court administrator and deputy administrator are authorized to attest in the municipal judge's name and sign any process, order, warrant, or judgment issued by the municipal court. The administrator and deputy administrator shall also have the authority granted by law and by the Rules of Court to administrators and clerks of courts of record.

The judge of the municipal court may designate, in writing, an acting administrator or deputy administrator to serve temporarily for an absent administrator until the absent administrator returns or until a new administrator is appointed.

Sec. 12-10. Bond or insurance.

Before assuming the duties of office, the municipal judge or municipal court administrator, deputy administrator or other municipal court employees who handle money in the scope of their employment shall be covered by a bond or insurance against loss or misappropriation of funds payable to the municipality in an amount and with terms set by the council.

Sec. 12-11. Officers empowered to execute process.

Any law enforcement officer, or any other person authorized by law, may act in the service, execution and return of process, orders, warrants and judgments issued by the municipal court.

Sec. 12-12. Officials authorized to act for court.

a. The administrator or deputy administrator of the municipal court, when authorized by the municipal judge, may exercise the power of the municipal court to administer oaths for complaints filed with the municipal court and to issue warrants and summonses.

b. The police officer in charge of the police station, other than an officer who participated in the arrest of the defendant, may exercise the power of the municipal court to administer oaths for complaints filed with the municipal court. Any police officer may issue summonses related to such complaints and may as authorized by the Rules of the Court issue a

summons in lieu of an arrest for an offense committed in the officer's presence.

c. The authority of the municipal court to set conditions of pre-trial release may be exercised by the administrator or deputy administrator of the municipal court who is authorized by the municipal judge; or by the police officer in charge of the police station, other than an officer who participated in the arrest of the defendant. The authority may be exercised only in accordance with bail schedules promulgated by the Administrative Office of the Courts or by the municipal court.

d. Except as otherwise provided by the Rules of Court, a person charged with a non-indictable offense shall be released on summons or personal recognizance without unnecessary delay and within 12 hours after arrest unless the judge or court administrator has set the conditions for pretrial release and the conditions remain unmet.

e. A person acting for the municipal court as authorized in this section shall immediately file the complaint, warrant, summons or recognizance which was the subject of the action with the municipal court.