

ORDINANCE # 2015- 04
Revising the Township of Lopatcong’s Shade Tree Commission Appointment Process and Term Lengths to Agree with the New Jersey State statutes.

Whereas, NJSA 40:64A-1, et seq. (the “state enabling Statute”) provides for the appointment process and term lengths for a municipal shade tree commission; and

Whereas, Chapter 219 of the Code of the Township of Lopatcong contains variations in the appointment process and term lengths which should be revised in order to conform to the requirements prescribed by the state enabling Statute.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Lopatcong, in the County of Warren and State of New Jersey, that Chapter 219 of the Code of the Township of Lopatcong be supplemented and amended to read as follows:

Section 1:

Chapter 219, Section 1 will be replaced in its entirety with the following:

§ 219-1. Shade Tree Commission created.

There is hereby created and established a Township Shade Tree Commission for the Township of Lopatcong, Warren County, New Jersey, which shall consist of not less than five nor more than seven members, and may include not more than two alternate members. The members and alternate members shall be appointed by the mayor or other chief executive officer of the municipality, shall be residents of the municipality, and shall serve without compensation except as hereinafter provided.

Chapter 219, Section 2 will be replaced in its entirety with the following:

§ 219-2. Term of Commission members.

The first commissioners shall be appointed within 60 days after the ordinance providing for the commission shall become effective, and their terms of office shall commence upon the day of their appointment and be for the respective periods of one, two, three, four and five years, if the commission consists of five members, beginning on January 1 next succeeding such appointment. If the commission is to consist of six members, the first commissioners shall be appointed as above, except that two shall be appointed for five years; and if the commission is to consist of seven members, two shall be appointed for five years and two shall be appointed for four years. In the event that the membership of any commission is increased, the new members shall be appointed in such manner that the terms shall expire in accordance with the foregoing. The terms of each appointee shall be designated in his appointment. All subsequent appointments, except to fill vacancies, shall be for the full term of five years, to take effect on January 1.

If the ordinance providing for alternate members provides for two alternate members, they shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2" and shall serve during the absence or disqualification of any regular member or members. The term of each alternate member shall be five years commencing on January 1 of the year of appointment; provided, however, that in the event two alternate members are appointed the initial term of "Alternate No. 2" shall be four years and the initial term of "Alternate No. 1" shall be five years. The terms of the first alternate members appointed pursuant to this section shall commence on the day of their appointment and shall expire on the fourth or fifth December 31 next ensuing after the date of their appointments, as the case may be. An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member.

Section 2

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable, If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only. Any Ordinance, or portion thereof, not specifically amended, revised or supplemented by the foregoing shall remain in full force and effect.

Section 4

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

Notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Mayor and Council of the Township of Lopatcong, held on March 18, 2015 and will be considered on second reading and final passage at a regular meeting of the Mayor and Council of the Township of Lopatcong, to be held at the Municipal Building, 232 S. Third St, Phillipsburg, New Jersey, at 7:30 P.M. on May 6, 2015, at which time and place any person interested therein will be given an opportunity to be heard. A copy of said ordinance is available at the Borough Clerk's office during regular business hours and is posted on the Borough's website.

Margaret B Dilts,
Municipal Clerk

