

THE CITY OF SUMMIT

CITY CHARTER

P. L. 1987, Chapter 314 N. J. S. 40A: 61-1 et seq.

FOREWORD

The citizens of the Township of Summit at a Charter Election held April 11, 1899, by a vote of 804 to 163 adopted as the Charter of the City of Summit the Statute of 1899 applicable to cities of less than 12,000 population. Just 30 years previously the Township of Summit had separated from New Providence and Springfield to become a political entity. Since 1899, the State has passed laws superseding many of the original provisions of Summit's Charter. The Revised Statutes of the State of New Jersey apply to all municipalities, regardless of their Charter provisions. On December 15, 1987, Chapter 314, Public Law 1987, was approved and signed into law with the effective date of January 1, 1988. This act repealed all of the remaining provisions of Summit's original Charter (P.L. 1899,c.52;C.40:109-3) and replaced and saved those sections which were not covered by general law and peculiar to Summit's original Charter. The act makes the following changes to Summit's Charter:

1. The council may, by referendum, change the term of the councilman at large from a two year term to a four year term.
2. Resolutions adopted by the council do not have to be approved by the mayor.
3. The council pro tempore shall be the acting mayor in the mayor's absence due to sickness or other cause.
4. The municipality may appoint an administrator in accordance with the provisions of N.J.S. 40A:9-136.
5. The municipality may adopt an administrative code.

Summit's Charter, as it now exists, has been prepared to be available to all interested citizens to assist them in understanding the form and organization of Summit's government. The majority of Summit's actions are controlled and regulated by general law but the provisions of N.J.S. 40A:61-I et seq. recognizes Summit's form of government and preserves it as a separate and distinct political entity.

Janet Whitman. Mayor

Summit's Charter Provisions

as amended by

P. L. 1987, Chapter 314

N.J.S. 40A:61-1 et seq.

40A:61-1. Incorporation: Corporate Seal; Change of Name.

- a. The inhabitants of each of the several cities are hereby continued as a body politic and corporate in law as heretofore constituted and established and shall be known by the name of the "the City of in the County of" (as the case may be), and the

boundaries of the several cities shall be and remain as heretofore established by law.

- b. This act shall apply to any city that upon January 1, 1988 is governed by the provisions of the 1899 City law. (P.L. 1899 c. 52;C.40:109-3)
- c. Each city government governed by the laws pertaining to the City form of government shall have the full power to sue and be sued and have a corporate seal.
- d. Any existing city may, by resolution of the council, adopt a name, as prescribed in subsection a. of this section, and the city clerk shall then file a copy of the resolution adopting the name with the county clerk, certified by the city clerk. After the filing of the certificate the city shall be known and designated by the name adopted, but no suit, proceeding or instrument shall abate or in anywise be affected by any change of corporate name.

40A:61-2.

Elected Officers.

- a. The mayor shall be elected by the voters of the city at large and serve for a term of four years and until his successor shall have qualified.
- b. (1) The council shall consist of seven members; six shall be elected from two wards for staggered three year terms and one shall be elected at large for a four year term. The terms of the councilmen elected from wards shall be arranged, by lot if necessary, so that the terms of two councilmen, one from each ward, shall expire at the end of each year.
(2) Any city which, prior to the effective date of this act, had a council whose method of election, composition, or tenure of its membership differed in any way from the provisions of paragraph (I) of subsection b. of this section shall continue to be governed by those provisions which determined the council's method of election, composition or tenure of its membership prior to the effective date of this act until such time as the city has adopted, by referendum of the voters the provisions of this act.
- c. No city shall elect any officers other than the mayor and council.
- d. There shall be held annually, at the time provided by law for holding general election, an election for city officers. 40:61-3. General Powers. Every city governed by the city form of government, shall, subject to the provisions of this act or other general law, have the full power of local government in such manner as council may determine. 40A:61-4.

Powers of the Mayor

- a. The mayor shall be the chief executive officer of the city.
- b. The mayor shall have all those powers designated by general law.
- c. The mayor may participate in any deliberation of the council and, on any occasion where the council is unable to agree with respect to the adoption of an ordinance or resolution, by reason of being equally divided in a vote therein, the mayor shall have the power to cast a vote to break a tie.
- d. Every ordinance adopted by the council shall, within five days after its passage, Sundays excepted, be presented to the mayor by the city clerk. The mayor shall, within 10 days after receiving the ordinance, Sundays excepted, either approve the ordinance by affixing his signature thereto or return it to the council by delivering it to the clerk together with a statement setting forth his objections thereto or any item or part thereof. No ordinance or any item or part thereof shall take effect without the mayor's approval, unless the mayor fails to return the ordinance to the council, as prescribed above, or unless the council, upon the consideration of the ordinance following its return, shall, by a

vote of two-thirds of all of the members of the council, resolve to override the veto.

- e. The mayor shall see to it that the laws of the State and the ordinances of the city are faithfully executed. He shall recommend to the council such measures as he may deem necessary or expedient for the welfare of the city. He shall maintain peace and good order and have the power to suppress all riots and tumultuous assemblies in the city.
- f. The mayor shall be the head of the police department and shall have the power to appoint, suspend or remove all employees of the police department. He shall appoint the chief of police and such captains and sergeants as may be authorized by ordinance, with the advice and consent of the council. He shall control and direct the police force of the city and he may appoint such special policemen as he may deem necessary for the preservation of public order. He shall enforce the laws of the State and the ordinances of the city.
- g. The mayor shall supervise the official acts of the city employees and report derelictions to the council.

40A:61-5.

Powers of the Council.

- a. The council shall be the legislative body of the municipality.
- b. The council may subject to general law and the provisions of this act:
 - (1) Pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law;
 - (2) control and regulate the finances of the municipality and raise money by borrowing or taxation;
 - (3) investigate any activity of the municipality;
 - (4) override a veto of the mayor by a two-thirds majority of all members of the council.
- c. The council shall appoint the subordinate officials of the municipality, except as provided elsewhere by law. In any case where the council is unable to appoint an officer or fill a vacancy to any appointed position by reason of being equally divided in a vote therein, the mayor shall have the power to cast a vote to break a tie.

40A:61-6,

Organization of Council.

- a. The city council shall hold an annual meeting on the first day of January at twelve o' clock noon, or during the first seven days of January in any year.
- b. At its annual meeting, the council shall, by the vote of a majority of its number elect a president of the council, who shall preside at all of its meetings, and a president pro tempore who shall preside in the president's absence. They shall hold office for one year and until the next annual meeting.
- c. A majority of the council shall constitute a quorum for transacting business.
- d. The council may, at its annual meeting, establish for its members such committees of the council as will assist it for the ensuing year.

- e. The council shall hold such other meetings, at such time and place as it may by resolution direct, but all regular meetings shall be held within the city.
- f. The president shall, when necessary, call special meetings of the council. In case of his neglect or refusal, a majority of the members of the council may call such meeting at such time and place in the city as it may designate, and in all cases of special meeting a notice shall be given to all members of the council or left at their place of residence.
- g. Whenever there shall be vacancy in the office of the mayor, or whenever the mayor shall be prevented by absence from the city, sickness or other cause from attending the duties of his office, the council president pro tempore shall act as mayor and possess all the power of mayor for that period.
- h. No officer, who has obtained tenure by any provision of any section herein repealed by section 40A:61-8 of this act, shall be affected in any way by such repeal.

40A:61-7.

Miscellaneous.

- a. The municipality may, by ordinance, delegate all or a portion of the executive responsibilities of the municipality to an administrator, who shall be appointed pursuant to N. J. S. 40A:9-136.
- b. The municipality may, by ordinance, adopt an administrative code. The administrative code shall restate the major provision of the city's charter and the general law supplementing the charter. The administrative code shall set forth the manner in which the council shall perform its duties. If the council organizes itself into standing committees or if the council members serve as heads of departments, the administrative code shall specify the powers and duties of such committees or department heads and the manner in which they were appointed. The administrative code shall also set forth the titles of the principal municipal officers, how the officers are appointed, how they are organized into departments, boards, commissions and other agencies; whom they supervise, by whom they are supervised; their powers; and what procedures should be followed to carry on the activities of the city government. The administrative code shall not grant any power or authority nor authorize any procedure, unless the power, authority or procedure is authorized implicitly by the wording of the statute or derived by reasonable implication therefrom.
- c. The assets and liabilities of any board, commission or district created pursuant to the statutes repealed by this act shall be transferred to the municipality.
- d. The city council may create such advisory councils to the municipality as it may choose, including councils for the functions absorbed by it of any heretofore existing board, commission or district.

40A:61-8.

Statutes Repealed.

The following acts are hereby repealed:

P. L. 1899, c.52(R.S. 40:109-3) I - ~4; 35 - 37; .~8 - ~9, 43 -51' 56:
58- 102.

40 - 42:52 - 55:57 repealed by Council ordinance creating single assessor and abolishing Board of Assessors.

This act shall take effect on January 1, 1988.