

**ORDINANCE #2218-14**

**ORDINANCE OF THE CITY OF WOODBURY,  
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY  
AMENDING CHAPTER 12 OF THE CODE OF THE  
CITY OF WOODBURY ESTABLISHING A JOINT  
MUNICIPAL COURT FOR THE CITY OF WOODBURY  
AND THE TOWNSHIP OF EAST GREENWICH**

**WHEREAS**, the Mayor and City Council of the City of Woodbury have determined that it is in the best interests of the residents of the City of Woodbury to establish a Joint Municipal Court with the Township of East Greenwich; and

**WHEREAS**, the City of Woodbury and the Township of East Greenwich, Gloucester County, New Jersey (hereinafter referred to as the "Participating Municipalities") wish to establish a Joint Municipal Court pursuant to *N.J.S.A. 2B:12-1, et seq.* to be known as the "East Greenwich Joint Municipal Court"; and

**WHEREAS**, the Participating Municipalities find that it is in their best interest to establish a Joint Municipal Court upon the terms and conditions established by and memorialized in a Joint Municipal Court Agreement which is approved separately by Resolution and referred to herein; and

**WHEREAS**, the Mayor and City Council of the City of Woodbury deem it in the best interest of the City to abolish the Municipal Court for the City of Woodbury and establish a Joint Municipal Court for the City of Woodbury and the Township of East Greenwich to be known as the "East Greenwich Joint Municipal Court"; and

**WHEREAS**, the Mayor and Governing Bodies of the Participating Municipalities desire to establish a single Joint Municipal Court to be located in the Township of East Greenwich located at 159 Democrat Road, East Greenwich (Mickleton), New Jersey 08056.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and City Council of the City of Woodbury, in the County of Gloucester and State of New Jersey, that Chapter 12 of the Code of the City of Woodbury is hereby amended as follows:

**Section 1.**

Effective February 9, 2015, Chapter 12, Sections 12-1, 12-2 and 12-3 of the Code of the City of Woodbury are hereby deleted and abolished and amended as follows:

**Section 2.**

The Municipal Court of the City of Woodbury shall be abolished as of February 9, 2015 at 12:00 a.m., and after due notice is given as set forth in Section 3. All summonses and other appropriate matters issuing or arising from the City of Woodbury and the Township of East Greenwich shall be processed in the East Greenwich Joint Municipal Court on and after February 9, 2015, including those matters arising prior to February 9, 2015 which remain pending.

**Section 3.**

Notice of repeal and abolishment of the Municipal Courts of the City of Woodbury and the Township of East Greenwich, and establishment of the East Greenwich Joint Municipal Court shall be provided, in writing, to the Administrative Offices of the Courts and the Assignment Judge of Vicinage 15, and posted in the municipal buildings of the Participating Municipalities in a location where public notices are normally posted.

**Section 4.**

The responsibility for the operation of the East Greenwich Joint Municipal Court shall be set forth in a Shared Services Agreement, the "Agreement for the Operation of a Joint Municipal Court" approved by resolutions of Woodbury and East Greenwich.

**Section 5.**

Pursuant to the provisions of *N.J.S.A. 2B:12-1 et seq.*, the East Greenwich Joint Municipal Court is hereby established.

**Section 6.**

The East Greenwich Joint Municipal Court shall have an official seal which shall bear the impression of the name of the Court.

**Section 7.**

The territorial jurisdiction of the East Greenwich Joint Municipal Court shall be coextensive with the territory of the City of Woodbury and the Township of East Greenwich, Gloucester County, New Jersey.

**Section 8.**

**Municipal Judge, Appointment and Jurisdiction**

In accordance with *N.J.S.A. 2B:12-4*, as amended, the Judge of the East Greenwich Joint Municipal Court shall be appointed by the Governor with the advice and consent of the Senate and shall have the qualifications required by law and shall serve for a term of

three years from the date of his/her appointment and until his/her successor has been appointed and has qualified. The compensation of the judge shall be an annual salary as is now or hereinafter may be provided by ordinance and in accordance with the terms of the Agreement for the Operation of a Joint Municipal Court between the City of Woodbury and the Township of East Greenwich.

**Section 9.**

**Joint Municipal Court Administrator**

There shall be a Joint Municipal Court Administrator and at least one (1) Deputy Court Administrator who shall be appointed as provided by this Ordinance and in accordance with the terms of the Agreement for the Operation of a Joint Municipal Court between the City of Woodbury and Township of East Greenwich.

**Section 10.**

**Support Staff**

The East Greenwich Joint Municipal Court support staff shall be appointed in accordance with the terms of the Agreement for the Operation of a Joint Municipal Court between the City of Woodbury and Township of East Greenwich.

**Section 11.**

**Joint Municipal Court Prosecutor**

The Joint Municipal Court Prosecutor shall be appointed in accordance with the terms of the Agreement for the Operation of a Joint Municipal Court between the City of Woodbury and Township of East Greenwich. The Joint Municipal Court Prosecutor shall have the jurisdiction, powers and duties prescribed by *N.J.S.A. 2B:25-1, et seq.*

**Section 12.**

**Joint Municipal Court Public Defender**

a. Appointment. The Joint Municipal Court Public Defender shall be appointed in accordance with the terms of the Agreement for the Operation of a Joint Municipal Court between the City of Woodbury and Township of East Greenwich. The Joint Municipal Court Public Defender shall have the jurisdiction, powers and duties prescribed by *N.J.S.A. 2B:24.1, et seq.*

b. Representation. Any person applying to the East Greenwich 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, but only in an amount determined by the Joint Municipal Court Judge, necessary to pay the costs of municipal

public defender services. The Joint Municipal Court Judge may waive said application 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 the applicable provisions under law.

c. Alternate Method of Collection. If the payment of the fee is deferred by the Joint Municipal Court Judge or the fee is otherwise unpaid, then the Participating Municipalities may endeavor to collect the fee in the manner provided in *N.J.S.A. 40:6A-1* and *N.J.S.A. 2A:158A-19*. Collection of such fees by a third-party shall be authorized by both Woodbury and East Greenwich.

### **Section 13.**

#### **Repealer.**

All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

### **Section 14.**

#### **Severability.**

If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

### **Section 15.**

#### **When effective.**

This Ordinance shall be effective upon the last to occur of the following:

- 1) its adoption and publication in accordance with law; and
- 2) approval of the Joint Municipal Court by the Administrative Office of the Courts and the Presiding Judge of the Superior Court Vicinage 15; and
- 3) an Ordinance duly authorized and passed by the governing bodies of the Township of East Greenwich authorizing the establishment of the Joint Municipal Court; and
- 4) approved by resolution by Woodbury and East Greenwich of an Agreement for the Operation of a Joint Municipal Court.

**BE IT FURTHER ORDAINED** that this Ordinance shall become effective immediately upon final passage and publication as required by law.

**CITY OF WOODBURY**

**BY:**

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**WILLIAM H. FLEMING JR.,  
PRESIDENT CITY COUNCIL**

**ATTEST:**

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**ROY A. DUFFIELD, CITY CLERK**

**APPROVED:**

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**WILLIAM J. VOLK, Jr., Mayor**

The foregoing Ordinance was introduced by the Mayor and Municipal Council at the regular meeting held on October 28, 2014. This Ordinance will be considered for adoption on final reading and public hearing to be held on November 10, 2014 at 7:30 P.M. in the Council Meeting Room, Woodbury City Hall, 33 Delaware Street, Woodbury, New Jersey, at which time and place all persons interested will be given the opportunity to be heard concerning said Ordinance. During the time prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the City Clerk's Office to the members of the general public who may request same.

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**ROY A. DUFFIELD, CITY CLERK**