

**ORDINANCE NO. 2324-20**

**AN ORDINANCE OF THE CITY OF WOODBURY, COUNTY OF GLOUCESTER AND STATE OF NEW JERSEY ESTABLISHING A JOINT MUNICIPAL COURT WITH THE TOWNSHIP OF DEPTFORD; REPEALING AND AMENDING CHAPTER 12, COURT, OF THE CITY CODE OF THE CITY OF WOODBURY; AND APPROVING A JOINT MUNICIPAL COURT SHARED SERVICES AGREEMENT FOR THE OPERATION OF THE JOINT MUNICIPAL COURT WITH THE TOWNSHIP OF DEPTFORD**

**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 City of Woodbury and the Township of Deptford 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 City Council of the City of Woodbury has determined that it is in the best interests of the City to establish a Joint Municipal Court with the Township of Deptford; and

**WHEREAS**, the City of Woodbury further desires to enter into an Agreement to form a Joint Municipal Court with the Township of Deptford and participate in the Joint Municipal Court with this municipality; and

**WHEREAS**, the aforesaid Joint Municipal Court participants (hereinafter referred to as “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 City Council of the City of Woodbury deems it in the best interest of the City to accordingly abolish the East Greenwich Joint Municipal Court and establish a Joint Municipal Court for the Participating Municipalities named herein, to be known as the “Deptford Joint Municipal Court.”

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

**Section 1.**

The East Greenwich Joint Municipal Court is hereby abolished as of January 1, 2020 at 12:00 a.m. and Chapter 12 of the City Code is hereby repealed, in its entirety, and amended to read as follows:

**§ 1. Abolishment.**

The East Greenwich Joint Municipal Court shall be abolished as of January 1, 2020 at 12:00 a.m., and after due notice is given as set forth in § 12-2. All summonses and other appropriate matters issuing or arising from the City of Woodbury and the Township of

Deptford shall be processed in the Deptford Joint Municipal Court on and after May 1, 2020, including those matters arising prior to May 1, 2020, which remain pending.

**§ 2. Notice of Abolishment.**

Notice of repeal and abolishment of the East Greenwich Joint Municipal Court and the Municipal Court of the Township of Deptford, and the establishment of the Deptford 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.

**§ 3. Agreement.**

The responsibility for the operation of the Deptford 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 the City of Woodbury and the Township of Deptford.

**§ 4. Establishment.**

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

**§ 5. Seal.**

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

**§ 6. Jurisdiction.**

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

**§ 7. Location.**

The purpose of this Ordinance is to establish a single Joint Municipal Court to be located at the County Justice Complex, 70 Hunter Street, Woodbury, New Jersey J 08096.

**§ 8. Municipal Judge, appointment and jurisdiction.**

In accordance with N.J.S.A. 2B:12-4, as amended, the Judge of the Deptford 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 Deptford.

**§ 9. Joint Municipal Court Administrator.**

There shall be a Joint Municipal Court Administrator and Deputy Court Administrator who shall be appointed as provided by this article 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 Deptford.

**§ 10. Support staff.**

The Deptford 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 Deptford.

**§ 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 Deptford. The Joint Municipal Court Prosecutor shall have the jurisdiction, powers and duties prescribed by N.J.S.A. 2B:25-1 et seq.

**§ 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 Deptford. 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 Deptford 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 2. Approval of Shared Services Agreement**

The City Council of the City of Woodbury hereby approves of the terms and conditions of the Shared Services Agreement between the Participating Municipalities to establish the “Deptford Joint Municipal Court”, such Agreement attached hereto and incorporated herein by reference. The Council President and the Clerk of the City of Woodbury are hereby expressly authorized to execute and deliver the aforesaid Agreement on behalf of the City.

### **Section 3. Repealer.**

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

### **Section 4. Severability.**

If any provisions of this Ordinance or the application of this Ordinance to any person, entity or circumstance 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 5. Effective Date.**

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

- A. Its adoption and publication in accordance with law; and
- B. Approval of the Joint Municipal Court by the Administrative Office of the Courts and the Presiding Judge of the Superior Court Vicinage 15; and
- C. An ordinance duly authorized and passed by the governing bodies of the Township of Deptford authorizing the establishment of the Joint Municipal Court; and
- D. Approved by resolution by City of Woodbury and Township of Deptford of an agreement for the operation of a Joint Municipal Court.

**CITY OF WOODBURY, NEW JERSEY**

[SEAL]

By: \_\_\_\_\_  
**PHIL HAGERTY, Council President Pro-Temp**

**ATTEST:**

\_\_\_\_\_  
**DANEEN FUSS, City Clerk**

**APPROVED:**

By: \_\_\_\_\_  
**JESSICA M. FLOYD, Mayor**

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Hagerty				
Councilman Johnson				
Councilman McIlvaine				
Councilman Merinuk				
Councilwoman Miller				
Councilwoman O'Connor				
Council President Parker				
Mayor Floyd				

**CERTIFICATION OF INTRODUCTION**

I, Daneen D. Fuss hereby certify that the foregoing Ordinance 2324-20 was introduced to the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **April 8, 2020** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

\_\_\_\_\_  
Daneen D. Fuss  
City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Hagerty				
Councilman Johnson				
Councilman McIlvaine				
Councilman Merinuk				
Councilwoman Miller				
Councilwoman O'Connor				
Council President Parker				
Mayor Floyd				

**CERTIFICATION OF ADOPTION**

I, Daneen D. Fuss hereby certify that the foregoing Ordinance 2324-20 was adopted after public hearing by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **April 22, 2020** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

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Daneen D. Fuss  
City Clerk