

**TOWNSHIP OF WEST AMWELL  
ORDINANCE 15, 2011**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF WEST AMWELL,  
COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO ESTABLISH RULES  
REGARDING MEMBER ATTENDANCE AND VACANCIES AT  
BOARD/SUBCOMMITTEE/COMMISSION MEETINGS**

**WHEREAS**, the Legislature has enacted P.L. 2009, Chapter 141 on October 19, 2009, which in part standardized the rules regarding member attendance and for the determination of member position vacancy at municipal Board/Subcommittee/Commission meetings; and

**WHEREAS**, the Township Committee desires to add a new Chapter in the Administrative Section of the Ordinances in order to include the provisions of P.L.2009 Chapter 141 within the Code of the Township of West Amwell.

**BE IT ORDAINED**, by the Mayor and Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey, that the Code of the Township of West Amwell shall be supplemented to include a new Chapter which shall be as follows:

**Section 1:** Vacancy in Board, Committee, Commission appointments

1. The office of any person appointed to a specific term, with or without compensation, by the governing body or Mayor, including persons appointed to any board, committee, commission, authority or other agency of one or more local units, shall be deemed vacant:
  - a. Upon its being so declared by judicial determination;
  - b. Upon the filing by such officer of his/her official resignation;
  - c. Upon the refusal of a person designated for appointment to such office to qualify or serve;
  - d. Upon the determination of the appointing authority that such officer shall have become physically or mentally incapable of serving;
  - e. Upon the death of such officer;
  - f. Upon the determination of the appointing authority that, in violation of lawful residency requirement, such officer no longer resides within the corporate limits of the local unit or other designated territorial area;
  - g. In the case of a member of a board, committee, commission, authority or other agency, whenever the member, without being excused by a majority of such body for a period of six (6) consecutive weeks, or for three (3) consecutive regular meetings, whichever shall be of longer duration, at the conclusion of such period, provided that such body shall notify the appointing authority in writing of such determination; provided, further that such board, committee, commission, authority or other agency may refuse to excuse only with respect to those failures to attend and participate which are not due to legitimate illness;
  - h. Upon the removal of such officer for cause in accordance with law or for any other reason prescribed by law, and in accordance with N.J.S.A. 40A: 9-12.1 as may be amended from time to time.

2. Filling the unexpired term

Whenever any of the circumstances set forth in Section 1 above shall occur, the appointing authority shall forthwith fill the office for the unexpired term in the manner prescribed by law; provided however that in the case of a person failing to qualify or refusing to serve pursuant to Section 1 (c) such office shall not be deemed vacant, if the incumbent officeholder is authorized by law to continue in such office until a successor is appointed and qualifies therefore.

**Section 2:**

If any provision of this Ordinance is invalidated by a Court of competent jurisdiction, the remaining provisions herein shall remain in full force and effect.

**Section 3:**

This Ordinance shall take effect upon its passage and publication, as provided for by law.

APPROVED BY TOWNSHIP COMMITTEE

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Thomas J. Molnar, Mayor

Attest:

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Lora L. Olsen, RMC  
Township Clerk

## NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed on first reading at a meeting of the governing body of the Township of West Amwell, in the County of Hunterdon, State of New Jersey, held on September 28, 2011. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the municipal building, 150 Rocktown-Lamb. Rd., Lambertville NJ on October 26, 2011 at 7:00 p.m. All interested parties will be heard at this time.