

COURT, MUNICIPAL

Chapter 9

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[HISTORY: Adopted by the Township Committee of the Township of Barnegat 5-1-78 as Ord. No. 1978-9.1 Amendments noted where applicable.]

GENERAL REFERENCES

Public Defender — See Ch. 16.

Be it ordained by the Township Committee of the Township of Barnegat, in the County of Ocean and State of New Jersey:

§ 9-1. Court established.

A Municipal Court for the Township of Barnegat in the County of Ocean is hereby established as of the effective date of this ordinance, pursuant to the provisions of N.J.S.A. 2A:8-1 et seq.

§ 9-2. Name of Court.

The name of the Municipal Court shall be the "Municipal Court of the Township of Barnegat in the County of Ocean."

§ 9-3. Seal.

The Municipal Court shall have a seal which shall bear the name of the Court.

§ 9-4. Appointment and term of Judge.

There shall be a Municipal Judge of said Municipal Court, who shall be nominated and appointed by the Township Committee. The said Judge shall serve for a term of three (3)

¹Editor's Note: This ordinance supersedes former Ch. 9, Court, Intermunicipal, adopted 4-1-74 as Ord. No. 1974-9.

years from the date of his appointment and until his successor is appointed and qualified.

§ 9-5. Salary of Judge.

The Municipal Judge shall receive an annual salary of four thousand dollars (\$4,000.) which shall be paid by the Township of Barnegat. Said salary shall be paid in the same

manner as the salaries of other municipal officers. Said salary shall be in lieu of all fees, costs and other allowances whatsoever.

§ 9-6. Functions, powers, duties and jurisdiction.

Said Municipal Court, and the Municipal Judge thereof, shall have, possess and exercise all of the functions, powers, duties and jurisdiction conferred by law upon said Court and Judge.

§ 9-7. Clerk of Court.

There shall be a Clerk of the Municipal Court who shall be appointed by the Township Committee of the Township of Barnegat. Said Clerk shall serve for a term of three (3) years from the date of his or her appointment and until his or her successor is appointed and qualified. The Clerk of the Municipal Court shall receive an annual salary of seven thousand five hundred dollars (\$7,500.) which shall be paid by the Township of Barnegat. Said salary shall be paid in the same manner as salaries of other municipal officers. Said salaries shall be paid in lieu of all fees, costs and other allowances whatsoever. Said Clerk shall perform said functions and duties as shall be prescribed for said Clerk by law, the rules applicable to Municipal Courts and by the Municipal Judge.

§ 9-8. Location and times.

The Municipal Court shall be held in the Municipal Building in the Township of Barnegat, Ocean County, New Jersey. The Municipal Judge shall sit at such times as he deems proper and necessary to perform the business of the Court and for the effective administration of justice in the Township of Barnegat and subject to the rules applicable to Municipal Courts.

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§ 9-9. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are repealed.

§ 9-10. When effective.

This ordinance shall take effect when finally passed, adopted and approved and published as required by law.

§ 9-11. Office of the Public Defender of Barnegat Township. [Added 1-17-95 by Ord. No. 1995-7]

§ 9-11.1. Establishment [Added 1-17-95 by Ord. No. 1995-7]

There is hereby established an Office of the Public Defender of Barnegat Township.

§ 9-11.2. Appointment [Added 1-17-95 by Ord. No. 1995-7]

The Barnegat Township Committee shall appoint a Public Defender by Resolution on January 1st of each year who shall serve until December 31st of said year or until a successor is duly appointed and qualified.

§ 9-11.3. Requirements. [Added 1-17-95 by Ord. No. 1995-7]

The Office of the Public Defender shall be an Attorney-atLaw of the State of New Jersey in good standing.

§ 9-11.4. Duties. [Added 1-17-95 by Ord. No. 1995-7]

The Public Defender shall represent indigent defendants charged with disorderly person offenses or serious motor vehicle violations within the Barnegat Township Court. An indigent defendant is one as defined by the Office of Public

Defender of the State of New Jersey for those cases handled by the Ocean County Office thereof.

§ 9-11.5. Public Defender fee. [Added 1-17-95 by Ord. No. 1995-7; amended 11-3-97 by Ord. No. 1997-34]

Any person applying for representation by a Municipal Public Defender in the Township of Barnegat shall pay an application fee of not more than two hundred dollars (\$200.) to the Municipal Court Clerk at the time of the application. The amount paid shall be only an amount necessary to pay the costs of the Municipal Public Defender services. The Court may waive the required fee in whole or in part if the Court determines upon a clear and convincing showing by the applicant that the fee represents an unreasonable burden on the person seeking the services of the Public Defender. The Municipal Court may permit the applicant to pay the fee over a specified time not to exceed four (4) months.

§ 9-11.6. Disposition of fees. [Added 1-3-97 by Ord. No. 1997-34]

Any funds collected pursuant to Section 9-10.5 shall be deposited in a dedicated fund administered by the Chief Financial Officer, and those funds shall be used exclusively to meet the costs incurred in providing the services of the Public Defender or if required, attendant expert and lay investigation and services.

§ 9-12. Conflict Public Defender. [Added 5-21-01 by Ord. No. 2001-17]

The position of Conflict Public Defender is hereby established for the Township of Barnegat.

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§ 9-13. Violation Clerk. [Added 5-21-01 by Ord. No. 2001-21]

The position of Violation Clerk is hereby established for the Township of Barnegat.