

**TOWNSHIP OF MILLBURN
ORDINANCE NO. 2479-17
ORDINANCE TO AMEND ARTICLE II, SECTION 2-2,
ENTITLED "BUSINESS ADMINISTRATOR" OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF MILLBURN**

Statement of Purpose: *The purpose of this Ordinance is to amend the existing Code to authorize the Township Committee to waive the residency requirement for the Office of Business Administrator.*

WHEREAS, N.J.S.A. 40A:9-136 provides that the Governing Body of any Municipality may create the office of Administrator; and

WHEREAS, the aforesaid statute further provides that the Ordinance creating the office of Administrator may provide that "a person appointed to the office of Municipal Administrator need not be a resident of the Municipality"; and

WHEREAS, Section 2-2.2 currently contains provisions that require that a person serving as Business Administrator to become a permanent resident of Millburn Township upon or following appointment to the position; and

WHEREAS, the Township Committee has determined that it would be desirable and preferable for it to be able, in its discretion, to relax that requirement in appropriate circumstances as permitted by the foregoing statute.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN IN THE COUNTY OF ESSEX, AND STATE OF NEW JERSEY, as follows:

Section 1. Section 2-2.2 "Appointment and Qualifications" is hereby amended in its entirety to read:

The Business Administrator shall be appointed by majority vote of the Township Committee on the basis of his/her executive and administrative abilities and qualifications, with special regard to education, training and experience in government affairs. He/she shall make his/her permanent residence in the Township, within one year of the date of his/her appointment, and shall during his/her term in office remain a resident of the Township. Should he/she cease to be a resident for more than ninety (90) days, his/her office may be deemed vacated. However, and notwithstanding the foregoing, the Township Committee may, at any time and in its discretion, waive this residency requirement by the adoption of a Resolution, in circumstances and for reasons which it deems appropriate and justifiable.

Section 2. The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

Section 3. This Ordinance shall take effect after final passage and publication as provided by law.

Introduced: 04/18/2017