ORDINANCE NO. 2007-1051

AN ORDINANCE ESTABLISHING FEES PAYABLE TO THE MUNICIPALITY FOR THE PERFORMANCE BY THE MAYOR OF A MARRIAGE OR CIVIL UNION CEREMONY, ESTABLISHING A SCHEDULE FOR OUT-OF-POCKET EXPENSES, AND AUTHORIZING PAYMENT OF A FEE AND REIMBURSEMENT OF OUT-OF POCKET EXPENSES FOR THE SERVICES PERFORMED

WHEREAS, N.J.S.A. 37:1-13 provides that the Mayor or designee, when authorized by the Mayor, is authorized to solemnize marriage or civil union between such persons as may lawfully enter into the matrimonial relation or civil union; and

WHEREAS, the Division of Local Government Services, has recognized that although authority for the conduct of marriage and civil union ceremonies is set forth in N.J.S.A. 37:1-13, no statute exists that specifically provides for the collection of fees for the performance of such ceremonies; and

WHEREAS, the aforesaid Division of Local Government Services has issued guidelines for the collection of such fees for marriage and civil union ceremonies, upon adoption of an ordinance fixing such fees in accordance with N.J.S.A. 40:48-1, including a schedule of fees for out-of-pocket expenses; and, that in such case, the fee fixed by the municipality for the performance of such ceremonies and out-of-pocket expenses, shall be paid to the municipality, and deposited into the municipality's current fund; and

WHEREAS, the guidelines provide for payment of a fee and reimbursement of out-of –pocket expenses to the Mayor performing any marriage or civil union from appropriate budget line items; and

WHEREAS, the Mayor and Council of the Borough of Manville does hereby determine that when the Mayor of the Borough of Manville performs such services, he should receive a fee therefor and be reimbursed for out-of-pocket expenses;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Manville, County of Somerset and State of New Jersey, as follows:

SECTION 1. Incorporation of Preamble.

The statements of the preamble are incorporated herein by reference.

SECTION 2. Establishment of Fee.

A. A fixed fee in the amount of $175.00 is hereby established for the performance of a marriage or civil union by the Mayor.

B. A supplemental fee in an amount calculated in accordance with the following schedule for out-of-pocket expenses to be incurred by the Mayor is hereby established.

(1) Mileage: $ 0.445 per mile;

(2) Miscellaneous Expenses: Actual, direct cost.

C. All fees shall be payable to the Borough, collected by the Borough Clerk or by the Mayor performing the ceremony, and deposited in the Borough's current fund.

SECTION 3. Authorization for Payment of Fee to Mayor

The Mayor performing the ceremony shall be paid a fee by the Borough in the amount of $150.00 per ceremony performed. All payments pursuant to this paragraph shall be made from appropriate budget line items.

SECTION 4. Authorization for Reimbursement of Expenses Incurred.

Upon submission of a voucher with appropriate documentation and authorization therefor, the Mayor shall be reimbursed by the Borough for the actual, direct cost of out-of-pocket expenses incurred. All payments pursuant to this paragraph shall be made from appropriate budget line items.

SECTION 5. CONSTRUCTION

Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and, words importing one gender shall include all other genders.

SECTION 6. INCONSISTENCY

Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION 6. SEVERABILITY

In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION 7. PURPOSE OF CAPTIONS

Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to

construe the intent and meaning of the text of any section.

SECTION 8. EFFECTIVE DATE

This ordinance shall be effective immediately upon final adop tion, approval and publication in accordance with law.

Borough of Manville

Angelo Corradino, Mayor

ATTEST:

Philip E. Petrone, Borough Clerk

ORDINANCE #2007-1051

FIRST READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
	√	**ASHER**	√			
		OTRIMSKI	√			
√		**PETROCK**	√			
		PETRONE	√			
		QUICK	√			
		SZABO	√			
		MAYOR CORRADINO				

PASSED this _____**12th**_____ day of _____**March**_____, 2007.

Attest:

Philip E. Petrone, Borough Clerk

SECOND READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
	√	**ASHER**	√			
		OTRIMSKI				√
√		**PETROCK**	√			
		PETRONE				√
		QUICK	√			
		SZABO	√			
		MAYOR CORRADINO				

PASSED this _____**26th**_____ day of _____**March**_____, 2007.

Attest:

Philip E. Petrone, Clerk