

**ORDINANCE NO. 3487-19**

**AN ORDINANCE AMENDING CHAPTER 16, SECTIONS 1 AND 2, RESPECTIVELY ENTITLED "COMPOSITION OF BOARD" AND "APPOINTMENTS AND TERMS OF OFFICE" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RUTHERFORD, COUNTY OF BERGEN AND STATE OF NEW JERSEY**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Rutherford, County of Bergen and State of New Jersey that Chapter 16, Sections 2 and 3 of the Code of the Borough of Rutherford respectively Entitled "Composition of Board" and "Appointments and Terms of Office" shall be amended and that those portions of the Ordinances set forth below are hereby amended as follows and that those portions of the Ordinances not set forth below shall remain unchanged:

**Section 1.** Changes to the aforementioned sections of Chapter 16 are set forth in **bold** type as follows:

§ 16-1 Composition of Board.

[Amended 8-5-1947 by Ord. No. 1498]

The Board of Health of the Borough of Rutherford shall consist of seven members **and two alternates** who shall be residents and legal voters within the borough and, when duly appointed as herein provided, shall possess all the powers conferred and perform all the duties enjoined upon local Boards of Health by an act of the Legislature of the State of New Jersey entitled "Revised Statutes of New Jersey 1937," N.J.S.A. 26:3-1 et seq.

§ 16-2 Appointments and terms of office.

- A.** The members of said Board shall be appointed by the Mayor, with the advice and consent of the Council, and shall hold office for the term of three years and until their successors shall have qualified, provided that at the first appointment there shall be appointed two members to serve for one year, two members to serve for two years and two members to serve for three years from March 18, 1901, and thereafter two members shall be appointed annually to serve for a term of three years, at the first meeting of the Council in each year. Any vacancy in said Board

shall be filled in the same manner as the original appointment, but for the unexpired term only.

**B. Alternate members of the Board shall be appointed by the Mayor, with the advice and consent of the Council, and shall be designated at the time of appointment as “Alternate No. 1” and “Alternate No. 2”. The terms of the alternate members shall be for two years, except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2, so that the term of not more than one alternate member shall expire in any one year. A vacancy occurring otherwise than by expiration of term shall be filled in the same manner as the original appointment, but for the unexpired term only.**

**An alternate member shall not be permitted to act on any matter in which the alternate member has either directly or indirectly any personal or financial interest.**

**An alternate member may, after public hearing if the alternate member requests one, be removed by the governing body for cause.**

**An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first.**

**Section 2.** Any Ordinances or parts thereof inconsistent herewith shall be amended and supplemented to conform to the provisions contained herein.

**Section 3.** If any part of this Ordinance is declared unconstitutional or illegal by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

**Section 4.** This Ordinance shall take effect 30 days after the first publication thereof in accordance with N.J.S.A. 26:3-69.

**ATTEST:**

**BOROUGH OF RUTHERFORD**

Margaret M. Scanlon

Margaret M. Scanlon, Borough Clerk

Joseph DeSalvo Jr.

Joseph DeSalvo Jr., Mayor

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Mayor and Council at a meeting held on [February 11, 2019](#).

Margaret M. Scanlon

Margaret M. Scanlon, Borough Clerk