

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. STANDING COMMITTEES.
4. RECORDER-TREASURER.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

- 1-101. Elections.
- 1-102. Time and place of regular meetings.
- 1-103. Special meetings.
- 1-104. Order of business.
- 1-105. Rules of order.
- 1-106. Ordinances.

1-101. Elections. Elections shall be held at the Rutherford Fire Department. (1968 Code, § 1-101, as amended by Ord. #1993-12, Dec. 1993)

1-102. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M. on the third Monday

¹Charter references

See the charter index, the charter itself, and footnote references to the charter in the front of this code.

Municipal code references

Building, plumbing, electrical and gas inspectors: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter references

Compensation, quorum, etc.: § 7.

of each month at the town hall. (1968 Code, § 1-102, as amended by Ord. #1993-2, Aug. 1993)

1-103. Special meetings. There shall be special meetings of the board of mayor and aldermen at such times as necessity may demand. Said special meetings shall be had on the call of the mayor, and the mayor shall call special meetings of the board on the written request of three (3) aldermen, but no special meeting of the board shall be had until all the aldermen have been notified. Provided further, that no business shall be transacted at a special meeting of the board, except that for which the board was convened, and the notice convening the board in special session shall state the purpose of the meeting, and the caption of the minutes of such special meeting shall show fully for what purpose the meeting was called. (1986 Code, § 1-103)

1-104. Order of business. At each meeting of the board of mayor and aldermen, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the recorder, and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, members of the board of mayor and aldermen, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1968 Code, § 1-104)

1-105. Rules of order. (1) Points of order. The mayor shall decide all points of order subject to an appeal to the board of aldermen.

(2) Addressing the board. No person, except a member of the board, shall address the mayor or board without first obtaining the consent of the board by a majority vote.

(3) Ordinances, etc., to be reduced to writing. No ordinance or resolution shall be acted on by the board unless the same be reduced to writing.

(4) Reading of ordinances, etc. All ordinances and resolutions, before they shall be acted upon or discussed by the board, shall first be read and shall have a motion and second.

(5) Motions to reconsider. All motions to reconsider the action of the board shall be made at the meeting at which the matter is acted upon.

(6) Addressing board. No member of the board shall speak to the board until he has first risen to his feet, addressed the mayor and been recognized by the mayor as entitled to the floor, and no member shall be allowed to speak upon the same question more than twice, at the same meeting, and not longer than ten (10) minutes in the first speech nor longer than five (5) minutes in the second, except by special consent of the board.

(7) Decorum. Any member or members who shall interrupt any one having the floor without the consent of such member, or otherwise disturb or obstruct the business of the board, shall be called to order by the mayor, and, on failure to obey order of the mayor, shall be in contempt, and shall be subject to a fine in the discretion of the mayor in a sum not exceeding \$5.00, to be collected as other fines.

(8) Amendments. All amendments offered to any ordinance or resolution pending before the board shall be reduced to writing before the same are offered.

(9) Motions. During the pendency of any question before the board, the following motions may be made at any time when the floor is not occupied by a member.

- (a) To adjourn.
- (b) To lay any motion, resolution, or ordinance on the table.
- (c) To postpone to some future fixed date.
- (d) To refer the pending matter to a committee.
- (e) To amend the pending matter.
- (f) To non-concur in the report of the committee.

But none of these motions shall be made to the interruption of a member who is entitled to the floor. A motion to lay on the table or to adjourn shall not be debatable.

(10) Member absenting himself without permission. No member shall absent himself from the board without first getting permission from the mayor, and any member who shall absent himself without having thus obtained the consent of the mayor, may be fined by the mayor in any sum not exceeding \$5.00, subject to be remitted at any time by the board on good cause being shown by the offending member.

(11) Mayor to enforce rules of order. The mayor shall see that the rules and regulations governing the proceedings of the board are enforced, and that the order of business prescribed in § 1-104 is followed; however, at any time for special reason satisfactory to the board, the rules and order of business may be suspended to take up a special matter. (1968 Code, § 1-105)

1-106. Ordinances.¹ (1) Passed when. All ordinances shall be passed by the board of mayor and aldermen at the regular or special meetings of said board, and no ordinance shall be passed at a special or called meeting of said board, unless the notice calling said board in special session shall contain a substantial statement of the nature of the ordinance proposed to be passed, and said notice of said special meeting shall be given at least twenty-four (24) hours before the board is called to meet.

(2) How passed. The full text of any ordinance proposed to be enacted shall be written out in full, and presented to the board by a member thereof, and shall be subject to amendment, and shall receive a majority of the votes of the entire board.

(3) Entering of. As soon as any ordinance shall have been passed, if left in the original shape in which it was presented, or having received amendments, it shall be at once signed by the mayor and recorder, and at some suitable place the date of its passage shall be marked upon it, and the recorder shall thereupon enter the same by name, number, and/or date in the minutes of the meeting at which it was passed, and the ordinance so entered shall be read and approved or corrected at the first subsequent meeting of the board.

For the failure of the recorder to enter an ordinance upon the minutes or in the book of ordinances, he shall forfeit and pay the municipality the sum of ten dollars for each failure, which amount, if not otherwise paid, shall be deducted out of any amount due him for service to the municipality, and it shall be the duty of the finance committee to make examination of this matter.

(4) Filing and preservation of. The recorder shall be the custodian of, and responsible for, the safe-keeping of all the original ordinances, and shall safely keep the same in a book of ordinances and turn them over to his successor, and on failure so to do, shall forfeit to the municipality the sum of \$5.00, for each ordinance that is misplaced by him, which amount shall be collectible out of any funds due him for services, if not otherwise paid.

(5) Take effect when. All ordinances shall take effect from the time of their passage, provided the same is so provided in the ordinance; otherwise, it will not go into effect until the expiration of ten days after its passage. (1968 Code, § 1-106)

¹Charter reference
Ordinances: § 12.

CHAPTER 2

MAYOR

SECTION

1-201. Generally supervises municipality's affairs.

1-202. To appoint committees.

1-203. To deliver official papers to successor.

1-201. Generally supervises municipality's affairs. The mayor shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. The mayor shall also perform such other duties as the board of aldermen may, from time to time, impose upon him by ordinance or order not inconsistent with the town charter. (1968 Code, § 1-201)

1-202. To appoint committees. It shall be the duty of the mayor to appoint all standing committees unless otherwise provided in the ordinance creating the special committees. (1968 Code, § 1-202)

1-203. To deliver official papers to successor. At the close of his term of office the mayor shall deliver to his successor in office all the bonds, papers, and files belonging to his office and take an itemized receipt for the same, which receipt shall be spread on the minutes of the board of mayor and aldermen. (1968 Code, § 1-203)

CHAPTER 3

STANDING COMMITTEES

SECTION

1-301. Finance and street committees.

1-302. How appointed and when.

1-303. Duties of the finance committee.

1-304. Duties of the street committee.

1-301. Finance and street committees. There shall be a standing committee called the finance committee, and a standing committee called the street committee. These two committees shall consist of three (3) members each, and the members of the same shall be aldermen; provided, however, that the mayor may serve on the street committee, and if the board of mayor and aldermen so desire, and so order, they may appoint two capable and reliable persons from among the citizens of the town to serve on the finance committee. (1968 Code, § 1-301)

1-302. How appointed and when. At the first meeting of the board of mayor and aldermen of each year, after the officers have been sworn in, the mayor shall appoint the finance committee and the street committee, which two (2) committees will serve for the period of one (1) year; provided, however, that if the board shall desire two (2) members of the finance committee to be taken from the citizens of the town, they shall by motion signify the same, and if the motion prevails, the mayor shall appoint two (2) members from the body of citizens of the town; and provided further, that in appointing the members of the street committee, he will if possible take them as nearly as possible from different parts of the municipality. (1968 Code, § 1-302)

1-303. Duties of the finance committee. The finance committee shall exercise general supervision over and shall originate and/or review proposals, plans, or programs concerning budgetary and other fiscal matters of the municipality; the committee shall make investigations and submit reports and/or recommendations to the board of mayor and aldermen on such matters; and in addition the committee shall periodically examine the financial records kept by the recorder-treasurer. (1968 Code, § 1-303)

1-304. Duties of the street committee. The street committee shall have and exercise general supervision over matters, personnel, and property concerning sanitation, streets, and other public ways and places, and shall be responsible to the board of mayor and aldermen for submitting proposals, plans,

programs, and other appropriate reports involving any of the above items.
(1968 Code, § 1-304)

CHAPTER 4

RECORDER-TREASURER

SECTION

1-401. Offices to be combined.

1-402. To be bonded.

1-403. Duties to be performed.

1-401. Offices to be combined. The offices of recorder and treasurer shall be combined, and the person who shall be elected to serve as the recorder of the municipality shall also serve as the treasurer. (1968 Code, § 1-401)

1-402. To be bonded. The recorder-treasurer shall be bonded in the sum of ten thousand dollars (\$10,000), with surety acceptable to the board of mayor and aldermen, before assuming the duties of his office. (1968 Code, § 1-402)

1-403. Duties to be performed. (1) The recorder-treasurer shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book.

(2) The recorder-treasurer shall collect all privilege taxes and issue all licenses pursuant thereto; he shall keep an accurate record of the privilege taxes collected and the licenses issued, specifying the purpose of the license, the person receiving, date issued, and expiration date.

(3) It shall be the duty of the recorder-treasurer to receive all funds for the use and benefit of the municipality and to disburse the same in accordance with the Charter and ordinances of the municipality. He shall keep regular and correct accounts in accordance with the generally accepted accounting principles for municipalities.

(4) The recorder-treasurer shall perform all administrative duties for the board of mayor and aldermen and for the municipality which are not expressly assigned by the charter or this code to another corporate officer. He shall also have custody of, and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the municipality shall provide. (1968 Code, § 1-403)