

R 35-2023

RESOLUTION OF THE BOROUGH OF MADISON CLARIFYING THE POWER OF COUNCIL PRESIDENT TO SOLEMNIZE MARRIAGES WHEN THE COUNCIL PRESIDENT IS ACTING IN THE CAPACITY OF ACTING MAYOR OF THE BOROUGH OF MADISON AT SUCH TIMES AS THE MAYOR IS “UNABLE TO PERFORM THE DUTIES” AS DEFINED IN THE LAWS OF THE STATE OR NEW JERSEY

WHEREAS, pursuant to N.J.S.A. 40A:60-3. “... the president of the council shall perform all duties of the mayor during any period in which the mayor is absent from the borough for three days or more or is unable to perform the duties of his office...” and

WHEREAS, pursuant to N.J.S.A. 31:1-13, “... any mayor or deputy mayor, when authorized by the mayor or chairman of any township or village president of this State... are hereby authorized to solemnize marriages between such persons as may lawfully enter into the matrimonial relation...” and

WHEREAS, when these statutes are read together, it is not entirely clear whether the Governor and the State Legislature of the State of New Jersey intended that a Mayor of a Borough form of government be specifically required to authorize the President of a Borough Council to be empowered to solemnize marriages in each instance or at such times as the Mayor is legally deemed to be unable to perform the duties of his office; and

WHEREAS, it is extremely important for individuals who may be married by the Council President of the Borough of Madison to be assured that such a marriage has been legally solemnized pursuant to the laws of the State of New Jersey, when the Mayor is absent from the Borough of Madison for three days or more or is otherwise unable to perform the duties of the office in accordance with N.J.S.A. 40A: 60-3, in such instances as the Council President performs such ceremony;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Madison, in the County of Morris, State of New Jersey, that the President of the Borough Council be and hereby is authorized to solemnize marriages between such persons as may lawfully enter into the matrimonial relation whenever the Mayor of the Borough of Madison is absent from the Borough of Madison for three days or more or is otherwise unable to perform the duties of the office in accordance with N.J.S.A. 40A:60-3, whereupon the President of the Council shall perform all duties of the Mayor; and

BE IT FURTHER RESOLVED that the Mayor of the Borough of Madison need not make a specific reference to the authorization of the President of the Council to solemnize a marriage in the Borough of Madison when the President of the Council is generally authorized to perform all duties of the Mayor pursuant to N.J.S.A. 40A:60-3.

ADOPTED AND APPROVED
January 6, 2023

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk