

O-17-43
08/16/17

MUNICIPAL COUNCIL OF THE CITY OF BAYONNE

AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 20, PERSONNEL POLICIES

BE IT ORDAINED, by the Municipal Council of the City of Bayonne, as follows:

Section 1. That the Revised General Ordinances of the City of Bayonne, Chapter 20, PERSONNEL POLICIES, Subsection 20-16, Residency Requirements, is hereby amended and supplemented as follows (Additions ****between asterisks and/or in bold****, deletions ~~{within brackets and/or struck through}~~):

20-16 RESIDENCY REQUIREMENTS.

20-16.1 City Residence Required.

a. Except as expressly provided otherwise by law, all officers and employees employed by the City of Bayonne shall be required to be bona fide residents therein and shall be required to be residents of the City at the time of recruitment, selection or appointment.

b. Except as expressly provided otherwise by law, all nonresidents of the City of Bayonne subsequently appointed to positions or employments after ~~{March 8, 1991}~~ ***October 1, 2017***, including those nonresidents hired or appointed pursuant to paragraph c. of this subsection, shall become bona fide residents of the City within one year of their appointment. Failure of any such employee to obtain or maintain residency within the City of Bayonne shall be cause for removal or discharge. In the event such employee does not maintain or fails to obtain bona fide residency, the City of Bayonne shall notify the employee that failure to again take up bona fide residency within the City of Bayonne within six (6) months of the notification will result in removal or discharge. Such removal or discharge shall take effect on the date specified in such notice, but any employee so removed or discharged shall have the right to such appeals as are available pursuant to law. ***All employees hired on or after October 1, 2017 shall sign a statement affirming that they have read the City's residency requirement and agree to abide by same unless explicitly exempted from the residency requirement by law.***

c. *Preference Schedule.* The Municipal Council acknowledges that at times there cannot be recruited a sufficient number of qualified residents for available specific positions or employment. Therefore, in the event there are insufficient numbers of qualified applicants, the Municipal Council hereby

classifies all qualified applicants for such positions or employments in the following manner:

1. Residents of the City of Bayonne.
2. Other residents of Hudson County.
3. Other residents of counties contiguous to Hudson County.
4. Other residents of the State.
5. All other applicants.

d. *Police and Firefighter Appointments.* When appointing police officers or firefighters, a preference shall be given to applicants who are residents of the City of Bayonne and who maintain continuous residency within the City of Bayonne from the announced closing date of the Division of Human Services examination up to and including the date of appointment. In accordance with the provisions of N.J.S.A. 40A:14-10.1a and N.J.S.A. 40A:14-123.1a, all duly qualified applicants for such positions shall be classified as set forth in the preference schedule provided in paragraph c. above.

e. *Specific Positions and Employment Exemption.* In the event there are certain specific positions and employments requiring special talents or skills which are necessary for the operations of the City and which are not likely to be found among the residents of the City, appointments to such positions or employment may be made to nonresidents provided the Municipal Council by resolution determines the particular position or employment requires special talents or skills. The resolution shall specify the particular talent or skill required and the qualifications unique to the prospective employee which are unlikely to be found among the residents of the City.

f. *Preference in Promotion.* Residents shall be preferred for promotion in accordance with N.J.S.A. 40A:9-1.8 if the qualifications of the resident and nonresident as determined by objective criteria are equal.

g. For purposes of this section, a bona fide resident is defined as a person having his/her permanent domicile within the City of Bayonne and one which has not been adopted with the intention of again taking up or claiming a previous residence acquired outside the boundaries of the City of Bayonne.
(1972 Code § 2-18.11; Ord. No. 0-09-28 § 2)

Section 2. Consistency. That the city's codifier, in consultation with the City Clerk and Director of Law, be and is hereby authorized and directed to make such changes in the Revised General Ordinances of the City of Bayonne as may be needed to make the provisions of any and all other Chapters consistent with the terms of this Chapter 20, Personnel.

Section 3. Severability. If any part of this Ordinance shall be declared to be invalid or inoperative, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.