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MUNICIPAL ORDINANCE - NEW JERSEY

Newfield Fire Co. No. 1 v. Borough of Newfield

Superior Court of New Jersey, Appellate Division - January 23, 2015 - A.3d - 2015 WL 302648

Volunteer firefighter company filed complaint in lieu of prerogative writs, seeking to invalidate, as ultra vires, municipal ordinance requiring company's officers to be appointed by municipality's governing body. The Superior Court upheld the ordinance as enforceable after excising three specific provisions. Company appealed.

The Superior Court, Appellate Division, held that municipality was unambiguously permitted by statute to use ordinance as contractual basis to set forth provisions assuring municipal supervision and control of company's members.

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