



Legislation Details (With Text)

**File #:** 23-0339      **Version:** 1      **Name:** Ordinance: Amending Title 2, Administration, Chapter 3, Office of the City Clerk, Section 1, City Clerk - Marriage Licenses

**Type:** Ordinance      **Status:** Adopted

**File created:** 2/24/2023      **In control:** Municipal Council and City Clerk

**On agenda:** 5/3/2023      **Final action:** 5/24/2023

**Title:** AN ORDINANCE AMENDING TITLE II, ADMINISTRATION, CHAPTER 3, OFFICE OF THE CITY CLERK, SECTION 1, CITY CLERK, SUBSECTION 2:3-1.8, MARRIAGE LICENSES, AS AMENDED AND SUPPLEMENTED BY THE GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, TO REMOVE THE POWERS AND DUTIES OF THE ISSUANCE OF MARRIAGE LICENSES FROM THE OFFICE OF THE CITY CLERK TO THE DEPARTMENT OF HEALTH AND COMMUNITY WELLNESS.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
5/24/2023	1	Municipal Council	Close on Public Hearing and Adopt	Pass
5/3/2023	1	Municipal Council	Advance and Adopt on First Reading as 6F-	Pass

**AN ORDINANCE AMENDING TITLE II, ADMINISTRATION, CHAPTER 3, OFFICE OF THE CITY CLERK, SECTION 1, CITY CLERK, SUBSECTION 2:3-1.8, MARRIAGE LICENSES, AS AMENDED AND SUPPLEMENTED BY THE GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, TO REMOVE THE POWERS AND DUTIES OF THE ISSUANCE OF MARRIAGE LICENSES FROM THE OFFICE OF THE CITY CLERK TO THE DEPARTMENT OF HEALTH AND COMMUNITY WELLNESS.**

**WHEREAS**, pursuant to N.J.S.A. 37:1-2, et seq., the City Clerk is the licensing officer with respect to the issuance of marriage licenses for the City of Newark; and

**WHEREAS**, from the period of 2000 to 2020 the number of marriage applications in the City of Newark has decreased exponentially and the marriage application fee (\$28) has been waived by the State of New Jersey from July 2021 through June 30, 2023; and

**WHEREAS**, the Department of Health and Community Wellness administers vital statistics and provides for certified copies of vital records via a Certified Municipal Registrar, pursuant to N.J.S.A. 26:8-16; and

**WHEREAS**, in the spirit of providing efficiency in process and effectively administering public services to residents it is in the best interest of the City of Newark to remove the issuance of marriage licensing and applications from the Office of the City Clerk to the Department of Health and Community Wellness, Division of Surveillance and Prevention (Registrar of Vital Statistics).

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

**Note:** Additions are shown as **underlined and bold**. Deletions are shown as ~~strikethroughs~~.

**SECTION 1.** The foregoing whereas clause is incorporated herein by reference and made a part hereof.

**SECTION 2.** Title II, Administration, Chapter 3, Office of the City Clerk, Section 1, City Clerk, Subsection 2:3-1.8, Marriage Licenses is amended to remove the powers and duties of the issuance of marriage licenses from the Office of the City Clerk:

**§ 2:3-1.8 MARRIAGE LICENSES.**

1. ~~The City Clerk shall have all of the powers and duties of a licensing officer with respect to the issuance of marriage licenses, pursuant to N.J.S.A. 37:1-2 et seq.~~

**SECTION 3.** Transfer the duties and responsibilities of Marriage Licensing to Title II, Department of Health and Community Wellness, Chapter 13, Division of Surveillance and Prevention (Vital Statistics). Section 8, Established, Subsection 2:13-8.2, Duties.

**SECTION 4.** Transfer the duties and responsibilities of Marriage Licensing to Title II, Department of Health and Community Wellness, Chapter 13, Division of Surveillance and Prevention (Vital Statistics). Section 9, Request for Copies of Records, Subsection 2:13-9, Fees Established for Copies of Records.

**§ 2:13-9 FEES ESTABLISHED FOR COPIES OF RECORDS.**

There shall be a fee established for Request for Certified Copies of Records as follows:

a. Requests for Certified Copies of Records; Fees. Records requests shall be directed to the Manager, Division of Surveillance and Prevention, Health Officer serving as the registrar or his/her designee a/k/a the local Registrar subject to the provision of N.J.S.A. 26:8-16. The local Registrar of Vital Statistics shall **process marriage applications, which shall be accompanied by a fee of \$28, as set by the New Jersey Department of Health and** receive requests for certified copies of records for births, deaths, marriages, civil unions, and domestic partnerships filed in his/her office, which shall be accompanied by a fee of \$10. The fee is effective upon adoption through December 31, 2007; the fee is increased to \$15 for year 2008 and increased to \$25 for year 2009; whereas the fee will be fixed. The request for additional certified copies of the record searched shall be accompanied by a fee of \$4 per certification. The fee shall be deposited with the City Treasurer.

b. Amendment to Vital Statistics Records; Fees. The local Registrar of Vital Statistics shall receive requests for amendment to birth, death, marriage, civil union and domestic partnership records which shall be accompanied by a fee of \$5. The fee shall be deposited with the City Treasurer.

c. Burial Permits; Fees. Requests for burial, removal, transit or disinterment permits shall be accompanied by a fee of \$15. The fee shall be deposited with the City Treasurer.

**SECTION 5. Severability.**

If any provision of this Ordinance or any section, sentence, clause, phrase, or word or the application thereof, shall in any circumstance be held invalid, the validity of the remainder of this Ordinance and the application of any such provision, section, sentence, clause, phrase, or word shall not be affected.

**SECTION 6.** This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

### **STATEMENT**

This Ordinance supplements and amends Title II, Administration, Chapter 3, Office of the City Clerk, Section 1, City Clerk, Subsection 2:3-1.8, Marriage Licenses is amended to remove the powers and duties of the issuance of marriage licenses from the Office of the City Clerk to the Department of Health and Community Wellness.