

**COUNTY OF BERGEN
BOROUGH OF PARAMUS
ORDINANCE 18-35**

**ORDINANCE REPEALING CHAPTER 15 OF THE BOROUGH CODE, TORT
CLAIMS ACT NOTICE FORM**

Section 1. Purpose & Authority. The purpose of this ordinance is to repeal Chapter 15, an Ordinance Adopting a Tort Claims Act Notice Form, pursuant to N.J.S.A. 40:48-1, 40:49-2, and 40:55D-65.

Section 2. Amendments.

WHEREAS, the New Jersey Tort Claims Act, N.J.S.A. 59:8-6, authorizes a public entity such as the Borough of Paramus, to adopt a tort claim notice form to be completed by claimants seeking to file a claim as required by the Tort Claims Act, N.J.S.A. 59:8-6; and

WHEREAS, on October 24, 2006 the Borough of Paramus adopted Ordinance Number 06-28, an Ordinance Adopting a Tort Claims Act Notice Form Pursuant to N.J.S.A. 59:8-6 (the "Ordinance"); and

WHEREAS, the Borough never created a tort claim notice form; and

WHEREAS, N.J.S.A. 59:8-1 sets forth the requirements of a notice form and therefore, the adoption of a tort claim notice form is unnecessary, would cause confusion and ambiguity and would be redundant since N.J.S.A. 59:8-1 et. seq. governs the requirements of any tort claim notice form; and

WHEREAS, it is in the best interest of the Borough to repeal Ordinance 06-28, an Ordinance Adopting a Tort Claims Act Notice Form, to avoid ambiguity, confusion and redundancy with N.J.S.A. 59:8-1 et. seq.

WHEREAS, Chapter 15 of the Paramus Code is hereby repealed in its entirety.

Section 3. Repealer. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

Section 4. Savings and Construction. This ordinance shall be construed consistent with the purpose stated in Section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Paramus Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Paramus Code.

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Section 5. Codification. This ordinance shall be codified as amendments to the chapters set forth herein.

Section 6. Effective Date. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

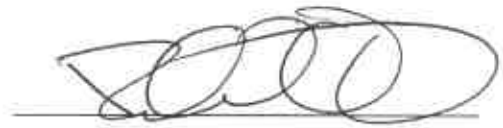
Attest:



ANNEMARIE KRUSZNIS, RMC

Borough Clerk

Approved:



RICHARD A. LaBARBIERA

Introduced: December 4, 2018

Adopted: December 18, 2018