

**TOWNSHIP OF HARDING  
ORDINANCE NO. 02-12**

**ORDINANCE REVISING SECTION 38-9 ENTITLED  
“PUNITIVE DAMAGES, PENALTIES OR FINES”  
OF THE CODE OF THE TOWNSHIP OF HARDING**

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**WHEREAS**, the Township of Harding (hereinafter “Township”) provides for the defense of and indemnification of officials, employees, and appointees pursuant to Section 38-1 et seq. of the Township Code entitled “Indemnification of Officers and Employees” in accordance with the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et seq., which authorizes a municipality to indemnify its employees and officials subjected to litigation for acts or omissions occurring within the scope of their employment by the municipality; and

**WHEREAS**, the Township desires to amend Section 38-9 of the Township Code to establish additional procedures which will provide for such indemnification for punitive damages, penalties or fines to the fullest extent permitted by law;

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF HARDING, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AS FOLLOWS:**

SECTION 1: Section 38-9 (Punitive Damages, Penalties or Fines) is hereby revised to read in its entirety as follows:

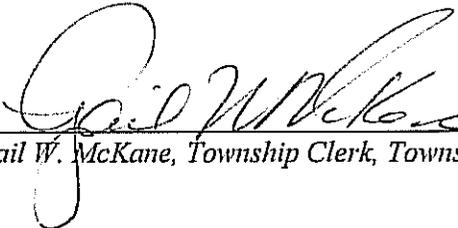
**38-9 Punitive damages, penalties or fines**

The Township shall not pay for or indemnify any person against the payment of punitive or exemplary damages, penalties or fines resulting from the commission of a crime, actual fraud, actual malice, willful misconduct or an intentional wrong, but the Township shall provide for the legal defense of such claims in accord with the standards set forth in this article. Nevertheless, the Township Committee shall indemnify an official, employee or appointee for punitive or exemplary damages, provided the Township Committee determines that the acts complained of did not constitute a crime, actual fraud, actual malice, willful misconduct, or an intentional wrong. Such indemnification shall be accomplished by Township Committee adoption of a resolution containing factual findings and conclusions, and authorizing indemnification for the damages arising out of the claim or litigation at issue.

SECTION 2: This ordinance will take effect after final passage and publication as prescribed by law.

*I, Gail W. McKane, Township Clerk of the Township of Harding, do hereby certify this document to be a true copy of the original ordinance as adopted at the meeting of the Township Committee on February 21, 2012.*

Date: February 23, 2012

  
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Gail W. McKane, Township Clerk, Township of Harding