

BOROUGH OF HO-HO-KUS
COUNTY OF BERGEN, NJ

ORDINANCE NO. 2023-79

**“AN ORDINANCE TO AMEND CERTAIN PORTIONS OF CHAPTERS 25 OF
CODE OF THE BOROUGH OF HO-HO-KUS”**

WHEREAS, the Mayor and Council of the Borough of Ho-Ho-Kus believes it is be in the best interest of the residents of the Borough to repeal Section 25-5 of the Code or the Borough of Ho-Ho-Kus and replace it with a more streamlined process, which still provides for notice and an opportunity to be heard to an accused member or line officer; and

WHEREAS, the Mayor and Council of the Borough of Ho-Ho-Kus also believes it would be in the best interests of the residents of the Borough to modify Section 25-3 to provide veto power to the Governing Body for any proposed by-law changes of the Ho-Ho-Kus Volunteer Fire Department; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus that Chapter 25 of the code is hereby amended as follows (deletions in ~~strikethrough~~ and additions in **bold**):

Chapter 25-5 is deleted in its entirety and replaced as follows:

§ 25-5 Suspension or expulsion of members or line officers.

- A. In addition to such disciplinary process as may be provided under the Volunteer Fire Department’s bylaws, and notwithstanding the same, the Fire Commissioner of the Borough of Ho-Ho-Kus shall have the right to expel or suspend any firefighter or line officer as set forth below.**
- B. In event of any accusation of any allegation of misconduct, violation of Borough Ordinance, or action effecting the health, safety or welfare of the residents of the Borough of Ho-Ho-Kus by any member or line officer, any person may issue a written complaint, which shall be referred to the Fire Commissioner or his designee. The Fire Commissioner, or his designee, shall review the matter and may proffer charges against such member seeking his expulsion or removal.**
- C. Upon proffering such charges, the Fire Commissioner shall provide such member or line officer with notice of the charges and an opportunity to provide a written response to the charges. The Fire Commissioner shall thereafter recommend sustaining, not sustaining, or modifying the charges, without a further hearing. Any member or line officer shall have no greater rights than an “at-will” non-paid volunteer and nothing herein shall be read to provide any greater rights to such member or line officer.**
- D. If any charges are sustained or modified, the Fire Commissioner shall inform the Borough Council, which shall determine whether to suspend or expel such member or line officer from the Fire Department, or take such other action as it deems appropriate, without a further hearing.**
- E. Notwithstanding the above, the Fire Commissioner may immediately suspend any member or line officer prior to receiving the member’s written response should he deem such suspension in the best interest for the health, safety, and welfare of the residents of the Borough of Ho-Ho-Kus.**
- F. In the event of any conflict between the Volunteer Fire Department’s By-laws and this Chapter, the provisions of this Chapter shall control.**

All other sections not heretofore amended shall remain in full force and effect.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus that Chapter 25-3 of the code is hereby amended as follows (deletions in ~~strike through~~ and additions in **bold**):

§ 25-3 **Bylaws and rules.**

The Bylaws and Rules Committee of the Fire Department shall each year review, amend and/or accept the bylaws and rules for the Department. The bylaws shall become effective immediately after approval and adoption by a vote of 2/3 of the eligible membership present, **and after review and approval by the Mayor and Council, which shall be able to veto any proposed bylaw modifications by a majority vote of the Governing Body.** After approval and adoption **as provided herein,** ~~by the membership,~~ the bylaws shall be forwarded by the Department to the Fire Commissioner, a copy of which shall also be filed with the Borough Clerk.

All other sections not heretofore amended shall remain in full force and effect.

SECTION II: Repealer.

All other ordinances of the Borough, or parts thereof, which are in conflict with this ordinance, are hereby repealed to the extent of such conflict.

SECTION III: Severability,

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION IV: Effective Date.

This ordinance shall take effect upon passage and publication as required by law.

NOTICE OF PENDING ORDINANCE

The foregoing Ordinance was introduced at a regular meeting of the Municipal Council of the Borough of Ho-Ho-Kus held on January 24, 2023 and was read for the first time. This ordinance **has been tabled and** will be further considered for final passage by the said Municipal Council of the Borough of Ho-Ho-Kus at the Municipal Building, 333 Warren Avenue, Ho-Ho-Kus 07423 at a meeting **originally scheduled for February 28, 2023, will now be heard on March 28 at 7:00 PM,** or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. Copies of said Ordinance are available at the Municipal Clerks Office, 333 Warren Avenue, Ho-Ho-Kus 07423.

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF AN ORDINANCE ADOPTED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF HO-HO-KUS AT THE SINE DIE PUBLIC MEETING ON **March 28, 2023.**

ATTEST: _____ Joan Herve, RMC, Borough Clerk

APPROVED: _____ Thomas W. Randall, Mayor