

BOROUGH OF HO-HO-KUS

ORDINANCE NO. 2023-80

**“AN ORDINANCE TO AMEND CERTAIN PORTIONS OF CHAPTER 3 OF
CODE OF THE BOROUGH OF HO-HO-KUS”**

WHEREAS, the Mayor and Council of the Borough of Ho-Ho-Kus believes it is in the best interest of the residents of the Borough to repeal Section 3-5 of the Code of 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 officer;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus that Chapter 3-5 of the Code is hereby amended as follows (deletions in ~~strike through~~ and additions in **bold**):

Chapter 3-5 is deleted in its entirety and replaced as follows:

§ 3-5 Suspension or expulsion of members or officers.

- A. In addition to such disciplinary process as may be provided under the Volunteer Ambulance Corp’s bylaws, and notwithstanding the same, any Ambulance Liaison of the Borough of Ho-Ho-Kus shall have the right to expel or suspend any member 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 officer, any person may issue a written complaint, which shall be referred to any Ambulance Liaison or his designee. Such Ambulance Liaison shall consult with any other Ambulance Liaison, and such Liaisons shall review the matter and may proffer charges against such member seeking the members expulsion or removal. In the event of a tie or disagreement between the Liaisons, the Mayor shall have the ability to break the tie.**
- C. Upon proffering such charges, the Ambulance Liaisons shall provide such member or officer with notice of the charges and an opportunity to provide a written response to the charges. The Ambulance Liaisons shall thereafter recommend sustaining, not sustaining, or modifying the charges, without a further hearing. Any member or 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 officer. In the event of a tie or disagreement between the Liaisons, the Mayor shall have the ability to break the tie.**
- D. If any charges are sustained or modified, the Ambulance Liaisons shall inform the Borough Council, which shall determine whether to suspend or expel such member or officer from the Ambulance Corps or take such other action as it deems appropriate, without a further hearing.**
- E. Notwithstanding the above, any Ambulance Liaison, acting alone, may immediately suspend any member or line officer prior to receiving the member’s written response should he or she 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 Ambulance Corp’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.

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

This Ordinance published herewith was introduced and pass upon first reading at a meeting of the Municipal Council of the Borough of Ho-Ho-Kus, in the County of Bergen, New Jersey, held on February 28, 2023. It will be further considered for final passage after the public hearing thereon, at a meeting of said Municipal Council to be held in the Municipal Building, 333 Warren Avenue, Ho-Ho-Kus, NJ 07423-1547, in said Borough at the Public Meeting on March 28, 2023, at 7:00 p.m. at which time and place all interested member of the public who desire will be given an opportunity to be heard in connection with said Ordinance, and during the week prior to and up to and including the date of such meeting, copies of said has been posted on the bulletin board upon which public notices are customarily posted in the Borough Hall and copies are available at no charge in the Office of the Borough Clerk for members of the general public who may request them.

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