

ORDINANCE NO. 2176-17

AN ORDINANCE TO AMEND CHAPTER 45 OF THE CODE OF THE BOROUGH OF HAWTHORNE, OTHER OFFICES AND BODIES, ARTICLE III, MUNICIPAL COURT, SO AS TO CREATE THEREUNDER THE POSITION OF ASSISTANT MUNICIPAL PROSECUTOR

BE IT ORDAINED by the Municipal Council of the Borough of Hawthorne, in the County of Passaic and State of New Jersey, that:

Section 1. Chapter 45, Other Offices and Bodies, Article III, Municipal Court, is hereby amended so as to create the position of Assistant Municipal Prosecutor, to create a new subsection thereunder, and to amend, repeal and replace other sections of the Code pertaining to Prosecutor, the new sections to read as follows:

Sec. 45-13 Municipal Prosecutor and Assistant Municipal Prosecutor.

- A. The Mayor shall appoint a Municipal Prosecutor, with the advice and consent of the Municipal Council, who shall be an attorney at law of the State of New Jersey, in good standing, to hold office for a period of one year, or until a successor is named and appointed.
- B. The Mayor may appoint an Assistant Municipal Prosecutor, with the advice and consent of the Municipal Council, who shall be an attorney at law of the State of New Jersey, in good standing, to hold office for a period of one year, or until a successor is named and appointed.

Sec. 45-14 Powers and Duties of Prosecutor and Assistant Municipal Prosecutor.

Such Municipal Prosecutor shall prosecute all such cases triable in the Municipal Court and perform such other legal duties as may be assigned. The Municipal Prosecutor shall also supervise the Assistant Municipal Prosecutor and assign responsibilities thereto. The Assistant Municipal Prosecutor shall otherwise have the same duties as the Municipal Prosecutor.

Sec. 45-15 Salary of the Municipal Prosecutor and Assistant Municipal Prosecutor.

The salary of the Municipal Prosecutor and Assistant Municipal Prosecutor shall be fixed by the Annual Salary Ordinance.

Section 2. If any section, subsection or part of this ordinance is adjudged by a Court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not impair or invalidate the remainder of this ordinance.

Section 3. Except to the extent amended hereunder, all other parts or sections of Chapter 45, Other Offices and Bodies, Article III Municipal Court, shall remain in full force and effect. All parts and provisions of any ordinance which are inconsistent with the provisions of this ordinance shall be repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect 20 days after final adoption and publication as provided by law.

John N. Bertollo, Council President

Attest:
Lori DiBella, RMC
Borough Clerk

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the Municipal Council of the Borough of Hawthorne, in the County of Passaic, New Jersey, held on February 15, 2017. It will be further considered for final passage after public hearing thereon, at a meeting of said Municipal Council to be held in the Municipal Building, 445 Lafayette Avenue, in said Borough on March 15, 2017, at 7:00 p.m., at which time and place all interested members 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 Ordinance will be made available on the borough website, www.hawthornenj.org, and at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

Lori DiBella, RMC
Borough Clerk

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 HAWTHORNE AT A REGULAR MEETING ON MARCH 15, 2017.

ATTEST:

Lori DiBella, RMC, Borough Clerk

John N. Bertollo, Council President

APPROVED:

Richard S. Goldberg, Mayor