

# Borough of Fair Lawn



## ORDINANCE NO. 2669-2023

**AN ORDINANCE TO REPEAL SECTION 2-103, “ESTABLISHMENT OF BOARD OF ETHICS” AT ARTICLE XIII, NONDEPARTMENTAL OFFICES AND BOARDS, COMMISSIONS AND COMMITTEES, OF CHAPTER 2, ADMINISTRATION, DEPARTMENTS AND BUDGET AND FISCAL PROCEDURES, AND REPEAL CHAPTER 10, ETHICS, CODE OF, AND ADOPT A NEW CHAPTER 10, CODE OF ETHICS, OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000**

**WHEREAS**, the Mayor and Council of the Borough of Fairlawn have determined it to be more efficient and in the public interest to repeal certain ordinances that created a local municipal board of ethics and adopted a local ethics code (“Local Ethics Ordinances”); and

**WHEREAS**, by repealing the Local Ethics Ordinances, the Mayor and Council intend that local government officers and local government employees of the Borough of Fair Lawn comply with the Local Government Ethics Code at N.J.S.A. 40A:9-22.5 (the “Code”), and be under the jurisdiction of the Local Finance Board pursuant to N.J.S.A. 40A:9-22.4, which Board is better equipped to receive and adjudicate any and all ethics complaints as may be filed against any Borough local government officers or employees,

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Fair Lawn as follows:

**SECTION 1.** That Section 2-103 “Establishment of Board of Ethics” at Article XVIII, Nondepartmental Offices and Boards, of Chapter 2, Administration, Departments and Budget and Fiscal Procedures, of the Code of the Borough of Fair Lawn 2000, be and is hereby repealed in its entirety, and all appointments of members to the Fair Lawn Ethics Board heretofore made by Resolution of the Council pursuant to Section 103 “Establishment of Board of Ethics,” are hereby rescinded.

**SECTION 2.** That Chapter 10, Ethics, Code Of, of the Code of the Borough of Fair Lawn 2000, be and is hereby repealed in its entirety and replaced with a new Chapter 10, as follows:

CHAPTER 10 **CODE OF ETHICS**

**§ 10.1 Findings and purpose.**

All government officers and employees of the Borough of Fair Lawn, both elected and appointed, occupy positions of public trust and shall discharge their duties in the sole interest of the public for whom they act and to whom they are accountable; and the public judges its government by the manner in which such public officers and employees conduct themselves. The public has a right to expect every such officer and employee to act in a manner that will enhance and promote public confidence in and respect for the government, which confidence and respect is a cornerstone of a democratic society. The Borough Council believes that these goals can be advanced by strict adherence to the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 (the "Ethics Law"), which provides the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs with jurisdiction to govern and guide the conduct of local government officers and employees, and is empowered to receive, investigate and adjudicate violations of the Ethics Law.

**§ 10.2 Application of Local Government Ethics Law, N.J.S.A. 10A:9-22.1**

All local government officers and local government employees, as those terms are defined in the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq. (the "Ethic Law"), shall be subject to the Ethics Law under the jurisdiction of the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs which, among other things, shall govern and guide the conduct of all Borough government officers and government employees, including with regard to the adjudication of violations of any provisions of the Ethics Law.

**SECTION 3:** Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections. If any section, paragraph, clause, or provision of this Ordinance shall be adjudged unconstitutional, void, invalid or ineffective for any cause, such adjudication shall not be deemed to affect the validity or constitutionality of any other section or part hereof, and to this end, the provisions of this Ordinance are hereby declared severable.

**SECTION 4.** All other ordinances, codes or parts thereof that are in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior Borough ordinances, the provisions hereof shall be determined to govern. All other parts, portions and provisions of

the Borough's ordinances are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**SECTION 5.** This Ordinance shall take effect upon passage and publication according to law.

**Introduced:** May 9, 2023

	<b>Motion</b>	<b>Second</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Reinitz			X			
Rottenstrich		X	X			
Cutrone	X		X			
Krause			X			
Peluso						X

**Adopted:** May 23, 2023

	<b>Motion</b>	<b>Second</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Reinitz			X			
Rottenstrich			X			
Cutrone	X		X			
Krause		X	X			
Peluso			X			

**Attest:**

Nicholas J. Magarelli, RMC  
Municipal Clerk

**Approved:**

Kurt Peluso  
Mayor

I, Nicholas J. Magarelli, Municipal Clerk of the Borough of Fair Lawn, do hereby certify that the within Ordinance is a true and exact copy, duly adopted by the Borough Council at their meeting of May 23, 2023.

Nicholas J. Magarelli, RMC  
**Municipal Clerk**

Date: 5/23/2023

