

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

ORDINANCE NO. 2023-88

**“AN ORDINANCE TO CLARIFY CHAPTER 38-1 OF THE CODE OF THE BOROUGH
OF HO-HO-KUS”**

WHEREAS, the Borough of Ho-Ho-Kus has heretofore adopted Chapter 38-1 of the Code of the Borough of Ho-Ho-Kus; and

WHEREAS, the Borough of Ho-Ho-Kus wishes to clarify Chapter 38-1 as it relates to the consumption of alcohol on Borough owned property or public buildings;

NOW, BE IT ORDAINED by the Mayor and council of the Borough of Ho-Ho-Kus, County of Bergen and State of New Jersey as follows:

SECTION I

Chapter 38-1 of the Code is hereby amended as follows: (*new items in italics, deletions in strikethrough*)

§ 38-1 Possession or consumption of alcoholic beverages in public.

A. No person shall consume any alcoholic beverages within the limits of the Borough of Ho-Ho-Kus or have in his possession any opened alcoholic beverage container with unconsumed alcoholic beverage therein while in or on a public street, lane, roadway, avenue, sidewalk, public parking place, park, playground recreation area, school buildings or grounds, **public building or grounds, municipal facility, municipal owned or leased property**, or any other public or quasi-public place; or in any public conveyance; or in a private motor vehicle while the same is in motion or parked in any public street, lane or public parking lot or other public or quasi-public place; or while upon any private property not his own without the express permission of the owner or other person having authority to grant such permission.

B. Notwithstanding anything hereinabove contained, the Mayor and Council of the Borough of Ho-Ho-Kus may authorize the possession or consumption of alcoholic beverages in any designated park or other public place under its jurisdiction at the designated time or times in connection with a special event which shall have been authorized by a resolution of the Mayor and Council.

Section II Severability

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

Section III Inconsistent Ordinances Repealed.

All ordinances or parts or ordinances which are inconsistent with the provisions of ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section IV Effective Date.

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

NOTICE OF PENDING ORDINANCE

This Ordinance published herewith was introduced and passed 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 July 25, 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 August 22, 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 Ordinance 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 **August 22, 2023.**

ATTEST: _____ Joan Herve, RMC, Borough Clerk

APPROVED: _____ Thomas W. Randall, Mayor