

BOROUGH OF HAMBURG

ORDINANCE 13-2026

AN ORDINANCE AMENDING CHAPTER 36 - OFFICERS AND EMPLOYEES - OF THE GENERAL CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO PROHIBIT THE HIRING, APPOINTMENT, PROMOTION, OR TRANSFER INTO A PAID MUNICIPAL POSITION OF AN IMMEDIATE FAMILY MEMBER OF THE MAYOR OR ANY MEMBER OF THE COUNCIL; AND TO REQUIRE DISCLOSURE OF ANY FAMILIAL; PERSONAL; BUSINESS; FINANCIAL OR OTHER RELATIONSHIP REGARDING HIRING OR INTERVIEWING OF APPLICANTS FOR EMPLOYMENT OR OTHER POSITIONS; AND TO PROHIBIT HIRING OF RELATED FULL-TIME EMPLOYEE.

BE IT ORDAINED by the Mayor and Council of the Borough of Hamburg, County of Sussex, State of New Jersey, that Chapter 36 - OFFICERS AND EMPLOYEES - of the General Code of the Borough of Hamburg is amended to additionally provide as follows:

1.Purpose: The Mayor and Council finds that public confidence in municipal government is strengthened when employment and appointments are based upon merit and free from favoritism or the appearance of favoritism. The purpose of this ordinance is to promote fairness, transparency and public trust in Borough government. These provisions are not for the purpose of denying any citizen of an equal chance for government employment but solely to eliminate the potential for favoritism or preferential treatment.

2.Definitions: For purposes of this ordinance Immediate Family Member means:

Spouse

Domestic partner

Parent

Step-parent

Child

Step-child

Sibling

Step-sibling

Half-sibling

Grandparent

Grandchild

Parent-in-law

Sibling-in-law

First Cousin

Any person residing in the same household as the elected official.

3.Participation Prohibited: No immediate family member of the Mayor or any member of the Council shall be appointed, hired, promoted or transferred into a paid municipal position if such

action requires approval by the Mayor or the Mayor or Council during the official term of office. Nothing herein shall prohibit an individual from seeking employment if the position is filled solely through a merit-based hiring process that does not require action by the related elected official

4.Disclosure: Any elected official whose immediate family member is being for employment, promotion, discipline, salary adjustment or other personnel action shall disclose the relationship on the public record; refrain from participating in discussions, abstain from voting, and leave the dais during discussion and voting.

5.Supervision: No municipal employee shall directly supervise, evaluate, discipline or participate in employment decisions affecting an immediate family member.

6.Certification: No person shall be employed or appointed, promoted or transferred, unless the said person shall certify in writing that he/she has none of the relationships as set forth in Section 2 with the Mayor or any member of the Council

7.Existing Employees: This ordinance shall not affect any employee lawfully employed prior to the election of a related elected official. Conflict-of-Interest and recusal provisions shall apply.

8.Exception: This ordinance shall not apply where employment is required by federal or state laws, collective bargaining agreement or where another law preempts this ordinance. Conflict-of-Interest and recusal provisions shall apply.

9.Conflict of Interest and Recusal: In cases where a non-Immediate Family Member is considered for paid or unpaid appointment by the Mayor and Council or Mayor solely as the case may be, the following provisions shall apply:

(a) The Mayor or Council member shall disclose any familial, personal, business, financial or other relationship with an applicant or person under consideration. That could reasonably call into question the Mayor or Council Member's impartiality in the process.

(b) If recusal is determined to be warranted, the member shall not participate in the interviewing evaluation, discussing, recommending, or voting upon the applicant.

(c) Nothing herein shall require automatic recusal solely because a member knows or is acquainted with an applicant. The determination shall be based upon the nature and extent of the relationship and whether continued participation could reasonably create an actual conflict of interest or the appearance of improper influence.

10.Hiring a Relative Prohibited: Section 36-6 is amended to provide in its entirety as follows:

The Borough of Hamburg shall not hire any full-time employee who is related to an immediate family member who is a full-time employee of the Borough.

11.Violations: Any violation of this ordinance shall be referred to the Borough Attorney for review and, where appropriate, to the Local Finance Board or other agency having jurisdiction. Any person so hired, appointed, transferred or promoted in violation of this ordinance shall be subject to termination of employment, demotion or suspension without pay for a period not

exceeding six months. Notwithstanding the foregoing, the governing body retains all rights in law and equity to enforce the provisions of this ordinance.

12.Severability: This ordinance is deemed severable. If any provision is held invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

13.Effective Date: This ordinance shall take effect upon final passage and publication as provided by law.

CERTIFICATION

Notice is hereby given that the above Ordinance was introduced and passed on first reading at the meeting of the Mayor and Council of the Borough of Hamburg held on September 2, 2026 at 7:00 p.m., and will be considered for final passage at a regular meeting of said Mayor and Council to be held on October 5, 2026 at 7:00 p.m. or as soon thereafter as same can be considered, in the Municipal Building located at 16 Wallkill Avenue, Hamburg, New Jersey at which time and place all persons interested therein or affected thereby will be given the opportunity to be heard concerning the same. A copy of said Ordinance is on file in the Office of the Borough Clerk, Municipal Building located at 16 Wallkill Avenue, Hamburg, New Jersey and is available for public inspection and acquisition during regular business hours



Beth Martin
Acting Municipal Clerk

TAKE NOTICE that the above titled ordinance was introduced and passed on first reading at a regular meeting of the Mayor and Council of the Borough of Hamburg in the County of Sussex, held on September 2, 2026 and after posting and publication according to law, was again read and further considered for final adoption after a public hearing at the regular meeting of the Mayor and Council held on October 5, 2026 at which meeting said ordinance was adopted.



Beth Martin
Acting Municipal Clerk

