

ORDINANCE 2022-03

AN ORDINANCE OF THE BOROUGH OF CHESTER, MORRIS COUNTY, STATE OF NEW JERSEY, AMENDING PART II (GENERAL LEGISLATION), CHAPTER 197 (SOIL CONTROL), ARTICLE II (SOIL MOVING), SECTION 197-22 (PROCEDURES), PARAGRAPH (A) OF THE CODE OF THE BOROUGH OF CHESTER TO INCLUDE AN ESCROW PROVISION AND REASSIGN RESPONSIBILITY TO THE ZONING OFFICER

WHEREAS, municipalities are empowered to make, amend, repeal, and enforce its ordinances pursuant to statute (N.J.S.A. 40:48-1, et seq.); and

WHEREAS, municipalities are required by statute to follow specific procedures for the passage of ordinances (N.J.S.A. 40:49-2 et seq.); and

WHEREAS, Part II (GENERAL LEGISLATION), Chapter 197 (SOIL CONTROL), Article II (SOIL MOVING), Section 197-22 (PROCEDURES), Paragraph (A) of the Code of the Borough of Chester imposes responsibility on the Borough Clerk to deliver a copy of the soil movement application to the Borough Engineer and does not mention an escrow for professional fee; and

WHEREAS, in an effort to improve the land use, construction and development procedures within the Borough of Chester, it has been recommended that §197-22(A) be amended to include reference to the collection of escrows and reassign the responsibility thereunder from the Borough Clerk to the Borough Zoning Officer; and

WHEREAS, the Mayor and Borough Council wish to accept and adopt the recommendation of the Borough Administrator concerning amendment to §197-22(A); and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Chester, County of Morris, State of New Jersey that the Borough Code is hereby amended as follows:

SECTION 1: The first sentence of Part II (GENERAL LEGISLATION), Chapter 197 (SOIL CONTROL), Article II (SOIL MOVING), Section 197-22 (PROCEDURES), Paragraph (A) is hereby amended to read, “Upon receipt of the complete application together with the required fee and escrow (if requested), the Zoning Officer shall deliver a copy of the application to the Borough Engineer who shall review same, inspect the site, and excepting where the application involves the removal or deposition of less than 500 cubic yards of soil, make a written report to the Mayor and Council.”

SECTION 2. If any Chapter, Article, Section or Subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction such decisions shall not affect the remaining portions of this Ordinance.

SECTION 3: All ordinances or rules or regulations of the Borough of Chester, which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4: This ordinance shall take effect upon passage and publication according to law.

Dated: May 3, 2022

Janet Hoven, Mayor

Attest:

Denean Probasco, Municipal Clerk

NOTICE OF FINAL ADOPTION

Notice is hereby given that the Ordinance published herewith was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Chester, in the County of Morris, New Jersey, held on the 5th day of April, 2022 and the same came up for final passage at a meeting of said Borough Council on the 3th day of May, 2022 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law. By order of the Borough Council of the Borough of Chester, County of Morris and State of New Jersey.

Denean Probasco, RMC, CMR
Municipal Clerk